This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

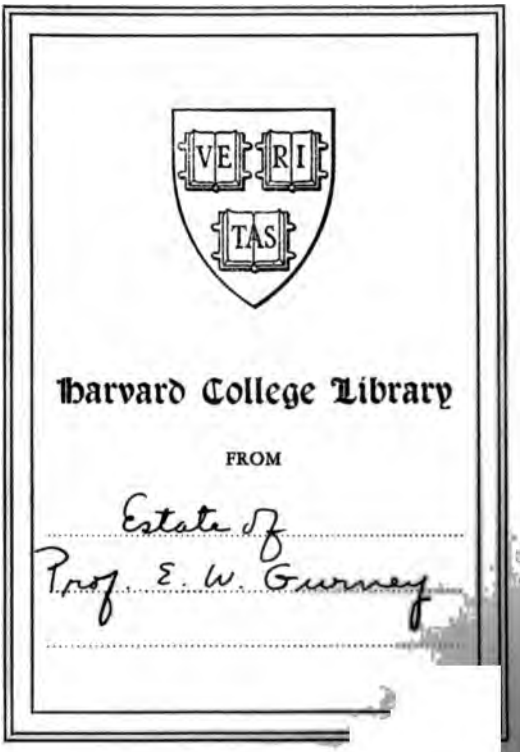
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

N 2102.90.77


VE RI
TAS
Harvard College Library
FROM
Estate of
Prof. E. W. Gurney

BOHN'S BRITISH CLASSICS.

BURKE'S

SPEECHES AND CORRESPONDENCE.

VOL. I.

FORMING VOL. VII. OF HIS ENTIRE WORKS.

Preliminary Volume to the Standard Library Edition of Burke's Works.

LIFE

OF

THE RIGHT HON. EDMUND BURKE.

BY

JAMES PRIOR, ESQ.

FIFTH EDITION, REVISED AND ENLARGED.

With Fine Portrait.

Printed uniformly with the present Edition, to which it forms an essential accompaniment.

Price 3s. 6d.

THE SPEECHES

OF

THE RIGHT HONOURABLE

EDMUND BURKE

ON THE

IMPEACHMENT OF WARREN HASTINGS.

TO WHICH IS ADDED

A SELECTION OF

BURKE'S EPISTOLARY CORRESPONDENCE.

FORMING TWO SUPPLEMENTARY VOLUMES TO THE COLLECTED EDITION OF HIS WORKS.

VOL. I.

LONDON:
HENRY G. BOHN, YORK STREET, COVENT GARDEN.
MDCCCLVII.

5473.12
B 2102.90.77

HARVARD COLLEGE
JUL 1 1902
LIBRARY.

From the Estate of
Prof. E. W. Gurney.

JOHN CHILDS AND SON, PRINTERS.

THE WORKS

OF

THE RIGHT HONOURABLE

EDMUND BURKE.

VOL. VII.

SPEECHES ON THE IMPEACHMENT OF WARREN HASTINGS.

LONDON:
HENRY G. BOHN, YORK STREET, COVENT GARDEN.
MDCCCLVII

JOHN CHILDS AND SON, PRINTERS.

CONTENTS.

VOL. I.

PAGE

DEDICATION viii

Introduction 1

SPEECHES ON THE IMPEACHMENT OF WARREN HASTINGS, ESQ.

Third Day 8

Fourth Day 56

Fifth Day 127

Sixth Day 197

Speech on the Sixth Charge, Bribery and Corruption. Tuesday, 21st April, 1789 232

Speech on the Sixth Charge, 25th April, 5th May, and 7th May, 1789 . . . . . 298, 345, 410

Advertisement to Report of Committee appointed to inspect the Lords' Journals 451

First Day of Reply 455

TO

HIS MOST CHRISTIAN MAJESTY,

CHARLES X^TH,

KING OF FRANCE AND NAVARRE.

SIRE,

YOUR Majesty's most gracious acceptance of a copy of the Works of Mr. Burke, and your condescension in permitting this last volume * of those Works to be inscribed with your Majesty's name, would alone amply remunerate the editor for all his pains and labours in preparing them for the press; but he is confident that your Majesty will concede to him, that the greatest gratification he can derive from his labours is to be found in the reflection, that mankind will be benefited by the publication of sentiments, religious, moral, and political, which will tend to enlighten both princes and subjects upon their respective duties.

In presenting to your Majesty this work, may I presume to point out, in a few words, its six principal features.—1st, American Taxation—2nd, A system of Economy in the Public Expenditure, combined with additional security for the Independence of Parliament—3rd, East Indian Delinquency—4th, French Revolution—5th, Emancipation of Roman Catholic Subjects of this Kingdom—6th, Abolition of Negro Slavery.

* Vol. viii. 4to Edition.

Whilst your Majesty admires the efforts of Mr. Burke's genius, both in resisting lawless power and in correcting popular errors, you will recognise and adore the goodness of that Divine Providence, which is, perhaps, in no respect more conspicuous than in giving existence, as occasion may require, to human talents, and to other instruments adequate to the purposes of its mysterious dispensations.

Of these instruments the virtues of princes are among the most noble. May those of your Majesty and of your family be the blessing of your people. When, after the close of a reign which I pray God may be long and prosperous, your Majesty's subjects shall have reaped the fruits of your Majesty's experience, and inflexible adherence to the principles so clearly developed and so ably enforced by this great writer, the merits of the sage and of the prince will be justly appreciated.

Deign, Sire, to accept the homage of my most perfect respect, and the assurance of my fervent vows for the welfare of your Majesty, and of your most august family; and permit me to subscribe myself,

SIRE,

Your Majesty's most obedient,

and most humble servant,

WALKER ROCHESTER.

SPEECHES

IN THE IMPEACHMENT OF

WARREN HASTINGS.

TO THE RIGHT HONOURABLE

THE LORD VISCOUNT MILTON,

ONE OF THE REPRESENTATIVES IN THE COMMONS HOUSE OF PARLIAMENT FOR THE COUNTY OF YORK.

MY DEAR LORD,

I AM persuaded that your lordship will not be displeased to see your name inscribed at the beginning of an introduction to the fourth volume of Mr. Burke's posthumous works. The hereditary interest which you possess in whatever regards the public labours of that great man and distinguished statesman will form, I trust, but a small part of your claim to such a distinction. Your father, and your great-uncle, the late Marquess of Rockingham, in addition to the happiness which they enjoyed of his personal intimacy and friendship, had also the gratification of being in a high degree instrumental in the direction of those labours to the service of their country. I well remember that Mr. Burke manifested no ordinary sensation of joy at your birth—an event which he considered to be intimately connected with the essential interests of the nation. The heir to a title conveying the right to a seat in the legislative councils of the nation, and to a landed property among the first in value and amplitude,—the future head of a family whose alliances and connexions spread its influence through a wide range of social and politi-

cal intercourse, and gave it a sensible and permanent weight in all matters of state, could not be regarded by him with indifference. Nor will this appear extraordinary, when it is considered that the principles of the party of which he knew you would almost necessarily become a distinguished member, and probably an eminent support—principles founded upon the basis of political liberty, and calculated in their practical application to promote its security in this nation—had been more philosophically developed and more accurately defined, more systematically arranged and applied with more profound wisdom to their practical object, by him than by any other person,—principles, too, not less warmly cherished in his heart than firmly embraced by his understanding. Disinterested patriotism, he knew, you would imbibe from the lessons of your virtuous parents, and a Whig patriot alone was to be expected from the house of Wentworth. When he was taken from us, you had not attained an age that enabled you to profit, as your immediate predecessors had done, by his friendship in private and coöperation in public life. But hereditary veneration for his character and the studious perusal of his writings have in a great degree supplied that loss. Had he lived to know how firmly and zealously you are attached to the principles which he had invariably maintained, and how steadily and manfully you come forward upon all occasions to their support, he would have derived from that knowledge, in the present inauspicious state of public affairs, some consolation, at least, perhaps some hope of better times; notwithstanding the triumphant career which lies open to the enemies of Whiggism, in consequence of divisions within itself, and the apathy of the people from without.

In the mind of Mr. Burke, political principles were not objects of barren speculation. Wisdom in him was always practical. Whatever his understanding adopted as truth, made its way to his heart, and sunk deep into it; and his ardent and generous feelings seized with promptitude and eagerness every occasion of applying it to the use of mankind. How large a portion of an active and laborious life was thus employed, will be seen in our future history of it. Where shall we find recorded exertions of active benevolence, at once so numerous, so varied, and so important, made by

one man? Amongst these, the redress of wrongs and the protection of weakness from the oppression of power were most conspicuous; and of this kind, the Impeachment of Mr. Hastings was considered by Mr. Burke as beyond all comparison the most interesting and momentous.

The volume which is now inscribed to your lordship relates to that proceeding,—a proceeding which that virtuous and enlightened representative held to be the most important of his parliamentary labours.

The assumption of arbitrary power, in whatever shape it appeared, whether under the veil of legitimacy, or skulking in the disguise of state necessity, or presenting the shameless front of usurpation,—whether the prescriptive claim of ascendency, or the brief career of official authority, or the newly-acquired dominion of a mob,[1]—was the sure object of his detestation and hostility. His endeavours to stifle it in its birth, or to obstruct its march and impede its progress, or to redress its oppressions, will be found to have occupied in various instances, as I have already said, no small portion of his life. The scale upon which oppressions of this kind had been exercised in our East-Indian possessions, was of such a magnitude that it required a mind like his to grapple with them. His ardent zeal and unwearied perseverance were not more than equal to the task. He well knew that the impunity of Indian delinquency was demanded by interest too weighty and extensive, and was secured by influence and protection too powerful, to be resisted. The event, accordingly, did not correspond with his wishes: but the *éclat* of a triumph was neither necessary to his fame, nor the triumph itself to the satisfaction of his own mind. The real cause which he advocated did not depend upon the decision of the court of judicature before which the impeachment was tried. From the moment it was voted by the House of Commons, the attainment of its main object was placed out of the power of his opponents to wrest from him.—The existence of the enormities, with the commission of which the governor-general was charged, how much soever the managers might fail in the technical proof of his guilt, required only to be

[1] This is not a fanciful enumeration of possible cases. The reader will find in these volumes examples of Mr. Burke's exertions, referrible to each particular case.—EDIT.

known; and Mr. Burke was firmly persuaded, that by the investigation of the affairs of that government resulting from the trial, and by the public exposure of the crimes which had been perpetrated, he had not only discharged a sacred and imperative duty, but at the same time had interposed a powerful check to the commission in future of such enormities.

It was from this view of the subject that he had, a short time before his last sickness, begun to prepare materials for a complete history of the impeachment. His subsequent inability to proceed in it was, I know, most sensibly felt by him; and it was among the last requests he made me, that I would collect and arrange those materials, and publish so much of them as I might judge fit for publication.

With this desire of my most dear and honoured friend I am endeavouring to comply. The cultivators of literature will for ever lament the want of his finishing hand. I trust, however, that the substance of the whole of the proceedings will be found in these volumes, and that the philosopher and the statesman will not be insensible of their value. This volume contains the speeches which he made at the close of the impeachment, and which were continued for nine days.

In a subsequent volume an essay will be made towards a history of his life, comprising such part of his correspondence, and other fugitive compositions, as may be judged fit for public perusal. This volume, the termination of my labours and of our joint trust in editing the posthumous works of Mr. Burke, I purpose dedicating to the earl, your venerable father. But as it may not be the Divine will that I should live to accomplish my intention, you will not, I hope, my dear lord, refuse permission to my availing myself of this present opportunity of telling the world how greatly I love him, and how highly I honour him.

Soon after my first acquaintance with him, he succeeded to the splendid possessions of his uncle, the Marquess of Rockingham, my revered master and patron; and, together with them, perhaps I may be permitted to say, to the guardianship of the Whig cause in England and Ireland. From that time his political conduct is well known to his country; for covertly or in concealment, I may confidently assert, he has done nothing. To his country, then, I may safely leave the judgment of that conduct. His political knowledge, and

his ability for the administration of public affairs, are known to those who have either sat in council or have held correspondence with him upon political subjects. His official services, indeed, during the late long reign will not appear frequent in the historic page, nor his name prominently conspicuous in the annals of party; but in the silent operation of those causes which have hitherto transmitted to us the constitution, if not unimpaired, perhaps without essential deterioration, through the vicissitudes of that eventful period, and which have rescued it from frequent and imminent dangers, the politician who looks below the surface of things will discover abundant proofs of his influence. Ever keeping steadily in his view the essential equipoises of our constitution, he conceived it to be his paramount duty, however painful the performance of it might be, to endeavour to maintain that balance between its constituent parts which is necessary to the very existence of the constitution itself.

If at one time he abdicated, as it were, the high rank which he held as a leader of the old Whig party, by concurring[1] in such a formation of a new party, as to the jealous eye of the public appeared tinged with a factious pursuit of power, and which excited suspicions of a dereliction of principles, it was because he well knew that no such dereliction had taken place, and that there were no other means of combating with effect that favourite system which, from the beginning of the late reign, was directed in all its operations to the very extinction of Whiggism.

If, in an alarming exigency, when all constituted authority was threatened with subversion, he submitted[2] to the painful necessity of acting in separation from men for whom he entertained the highest esteem, and with whom he had lived in habits of the most intimate friendship, and in concert with those of whose political conduct he had before generally disapproved, it was for the purpose of discouraging the projects of innovation which had been avowedly espoused by those who were then called the New Whigs: it was for the purpose of preventing, by strengthening the legitimate operations of government, those inroads upon the constitution, to

[1] The coalition with Lord North, in 1783.

[2] The coalition with Mr. Pitt, in 1794, and the formation of Lord Grenville's administration, in 1806.

which the executive administration, when weakly formed, is often driven in popular disturbances to have recourse; and particularly it was with a well-grounded expectation of procuring thereby the accomplishment of a great act of national justice, by the restoration of our Roman Catholic fellow-subjects to their political rights. This support of the executive government required no compromise of public principles; on the contrary, the additional strength acquired by the administration might both have disposed and enabled it to effectuate measures of salutary reform, of prudent retrenchments of expense, and of necessary economy. On the part of Lord Fitzwilliam, this separation was marked with a moderation which disarmed the animosity of the friends he had quitted and left open the avenues to reunion with them, while at the same time it indicated the terms and extent of the new alliance, and was a pledge to the people that the security of their rights and of the constitution was with him the sole object of that alliance.

Afterwards, when the independence of Europe was endangered by an overwhelming force, which nothing but the resources of this country appeared able to resist, he united his endeavours with those of statesmen of the highest character and reputation, to call forth those resources in the support of a war, which, whatever might have been his opinion of its policy at its commencement, he then conceived to be a measure of unavoidable necessity.

Lastly, when in the discharge of these duties to his country he was exposed to the effects of political intrigues, he bore the consequences[1] with that dignity which naturally belongs to conscious merit, when deprived of any means of being useful.

Whilst I appeal with confidence to the people for their judgment upon his public conduct, to those who are most intimately acquainted with his private life I may with equal confidence appeal, and ask, By what private virtue is it not eminently distinguished? Is this adulation? His advanced

[1] The dismission of the coalition ministry in 1784, and the subsequent discomfiture of the Whig candidates at the General Election in the same year; his resignation of the lord-lieutenancy of Ireland, 1795; the dismission of the Grenville administration, in 1807; and Lord Fitzwilliam's removal from the lord-lieutenancy of Yorkshire, in 1819.

age and mine, as they remove from me almost all temptation to be a flatterer, may well exempt me from such an imputation. May you, my dear lord, ever escape its poisonous arts. May your labours in the service of your country procure for you, together with its praise, its confidence; and may that confidence, whilst it is your reward, become in your hands one of the means of promoting and securing its most valuable interests and general prosperity. With these and every other good wish, and with the sincerest regard, I remain,

My dear Lord,

Your most obedient humble Servant,

W. ROCHESTER.

P. S.—Some apology seems necessary for the insertion of so much matter extraneous to the immediate design of this introduction. I have no other to offer, but the natural garrulity, one of the many infirmities, of old age.—If age cannot screen me from the severity of criticism, I must demand from the public the indulgence which I may require, for the venial gratification of private and personal feelings, as no unreasonable compensation for the labour and pains bestowed in preparing these posthumous works for its perusal.

TRIAL OF WARREN HASTINGS, ESQUIRE.

THIRD DAY, 15TH FEBRUARY, 1788.

(MR. BURKE.)

MY LORDS,—The gentlemen who have it in command to support the impeachment against Mr. Hastings, have directed me to open the cause with a general view of the grounds upon which the Commons have proceeded in their charge against him. They have directed me to accompany this with another general view of the extent, the magnitude, the nature, the tendency, and the effect of the crimes which they allege to have been by him committed. They have also directed me to give an explanation (with their aid I may be enabled to give it) of such circumstances preceding the crimes charged on Mr. Hastings; or concomitant with them, as may tend to elucidate whatever may be found obscure in the articles as they stand. To these they wished me to add a few illustrative remarks on the laws, customs, opinions, and manners of the people concerned, and who are the objects of the crimes we charge on Mr. Hastings.

The several articles, as they appear before you, will be opened by other gentlemen with more particularity, with more distinctness, and, without doubt, with infinitely more ability, when they come to apply the evidence which naturally belongs to each article of this accusation. This, my lords, is the plan which we mean to pursue on the great charge which is now to abide your judgment.

My lords, I must look upon it as an auspicious circumstance to this cause, in which the honour of the kingdom and the fate of many nations are involved, that, from the first commencement of our parliamentary process to this the hour of solemn trial, not the smallest difference of opinion has arisen between the two Houses.

My lords, there are persons who, looking rather upon what was to be found in our records and histories than what was to be expected from the public justice, had formed hopes consolatory to themselves and dishonourable to us. They flattered themselves that the corruptions of India would escape amidst the dissensions of parliament. They are disappointed. They will be disappointed in all the rest of their expectations, which they have formed upon everything except the merits of their cause. The Commons will not have the melancholy unsocial glory of having acted a solitary part in a noble but imperfect work. What the greatest inquest of the nation has begun, its highest tribunal will accomplish. At length justice will be done to India. It is true that your lordships will have your full share in this great achievement; but the Commons have always considered, that whatever honour is divided with you is doubled on themselves.

My lords, I must confess, that amidst these encouraging prospects the Commons do not approach your bar without awe and anxiety. The magnitude of the interests which we have in charge will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your lordships' justice. For we are men, my lords; and men are so made, that it is not only the greatness of danger, but the value of the adventure, which measures the degree of our concern in every undertaking. I solemnly assure your lordships, that no standard is sufficient to estimate the value which the Commons set upon the event of the cause they now bring before you. My lords, the business of this day is not the business of this man—it is not solely whether the prisoner at the bar be found innocent or guilty; but whether millions of mankind shall be made miserable or happy.

Your lordships will see in the progress of this cause, that there is not only a long-connected, systematic series of misdemeanours, but an equally connected system of maxims and principles invented to justify them. Upon both of these you must judge. According to the judgment that you shall give upon the past transactions in India, inseparably connected as they are with the principles which support them, the whole character of your future government in that dis-

tant empire is to be unalterably decided. It will take its perpetual tenour, it will receive its final impression, from the stamp of of this very hour.

It is not only the interest of India, now the most considerable part of the British empire, which is concerned, but the credit and honour of the British nation itself will be decided by this decision. We are to decide by this judgment, whether the crimes of individuals are to be turned into public guilt and national ignominy; or whether this nation will convert the very offences which have thrown a transient shade upon its government, into something that will reflect a permanent lustre upon the honour, justice, and humanity of this kingdom.

My lords, there is another consideration, which augments the solicitude of the Commons, equal to those other two great interests I have stated, those of our empire and our national character; something that, if possible, comes more home to the hearts and feelings of every Englishman: I mean, the interests of our constitution itself, which is deeply involved in the event of this cause. The future use, and the whole effect, if not the very existence, of the process of an impeachment of high crimes and misdemeanours before the peers of this kingdom, upon the charge of the Commons, will very much be decided by your judgment in this cause. This tribunal will be found (I hope it will always be found) too great for petty causes; if it should at the same time be found incompetent to one of the greatest,—that is, if little offences, from their minuteness, escape you, and the greatest, from their magnitude, oppress you,—it is impossible that this form of trial should not, in the end, vanish out of the constitution. For we must not deceive ourselves; whatever does not stand with credit cannot stand long. And if the constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually deprived of everything else that is valuable in it. For this process is the cement which binds the whole together; this is the individuating principle, that makes England what England is. In this court it is, that no subject, in no part of the empire, can fail of competent and proportionable justice: here it is that we provide for that which is the substantial excellence of our constitution; I mean, the great circulation of

responsibility, by which (excepting the supreme power) no man, in no circumstance, can escape the account which he owes to the laws of his country. It is by this process that magistracy, which tries and controls all other things, is itself tried and controlled. Other constitutions are satisfied with making good subjects; this is a security for good governors. It is by this tribunal that statesmen who abuse their power, are accused by statesmen, and tried by statesmen, not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality. It is here that those who by the abuse of power have violated the spirit of law, can never hope for protection from any of its forms:—it is here that those who have refused to conform themselves to its perfections, can never hope to escape through any of its defects. It ought, therefore, my lords, to become our common care to guard this your precious deposit, rare in its use, but powerful in its effect, with a religious vigilance, and never to suffer it to be either discredited or antiquated. For this great end your lordships are invested with great and plenary powers: but you do not suspend, you do not supersede, you do not annihilate, any subordinate jurisdiction; on the contrary, you are auxiliary and supplemental to them all.

Whether it is owing to the felicity of our times, less fertile in great offences than those which have gone before us, or whether it is from a sluggish apathy which has dulled and enervated the public justice, I am not called upon to determine; but, whatever may be the cause, it is now sixty-three years since any impeachment, grounded upon abuse of authority and misdemeanour in office, has come before this tribunal. The last is that of Lord Macclesfield, which happened in the year 1725. So that the oldest process known to the constitution of this country has, upon its revival, some appearance of novelty. At this time, when all Europe is in a state of, perhaps, contagious fermentation,—when antiquity has lost all its reverence and all its effect on the minds of men, at the same time that novelty is still attended with the suspicions that always will be attached to whatever is new,—we have been anxiously careful, in a business which seems to combine the objections both to what is antiquated and what is novel, so to conduct ourselves that nothing in

the revival of this great parliamentary process shall afford a pretext for its future disuse.

My lords, strongly impressed as they are with these sentiments, the Commons have conducted themselves with singular care and caution. Without losing the spirit and zeal of a public prosecution, they have comported themselves with such moderation, temper, and decorum, as would not have ill become the final judgment, if with them rested the final judgment, of this great cause.

With very few intermissions, the affairs of India have constantly engaged the attention of the Commons for more than fourteen years. We may safely affirm, we have tried every mode of legislative provision, before we had recourse to anything of penal process. It was in the year 1774 we framed an act of parliament for remedy to the then existing disorders in India, such as the then information before us enabled us to enact. Finding that the act of parliament did not answer all the ends that were expected from it, we had, in the year 1782, recourse to a body of monitory resolutions. Neither had we the expected fruit from them. When, therefore, we found that our inquiries and our reports, our laws and our admonitions, were alike despised; that enormities increased in proportion as they were forbidden, detected, and exposed; when we found that guilt stalked with an erect and upright front, and that legal authority seemed to skulk and hide its head like outlawed guilt; when we found that some of those very persons who were appointed by parliament to assert the authority of the laws of this kingdom, were the most forward, the most bold, and the most active in the conspiracy for their destruction; then it was time for the justice of the nation to recollect itself. To have forborne longer would not have been patience, but collusion; it would have been participation with guilt; it would have been to make ourselves accomplices with the criminal.

We found it was impossible to evade painful duty without betraying a sacred trust. Having, therefore, resolved upon the last and only resource, a penal prosecution, it was our next business to act in a manner worthy of our long deliberation. In all points we proceeded with selection. We have chosen (we trust it will so appear to your lordships)

such a crime, and such a criminal, and such a body of evidence, and such a mode of process, as would have recommended this course of justice to posterity, even if it had not been supported by an example in the practice of our forefathers.

First, to speak of the process: we are to inform your lordships, that, besides that long previous deliberation of fourteen years, we examined, as a preliminary to this proceeding, every circumstance which could prove favourable to parties apparently delinquent, before we finally resolved to prosecute. There was no precedent to be found in the journals, favourable to persons in Mr. Hastings's circumstances, that was not applied to. Many measures utterly unknown to former parliamentary proceedings, and which, indeed, seemed in some degree to enfeeble them, but which were all to the advantage of those that were to be prosecuted, were adopted, for the first time, upon this occasion.—In an early stage of the proceeding, the criminal desired to be heard. He was heard; and he produced before the bar of the House that insolent and unbecoming paper which lies upon our table. It was deliberately given in by his own hand, and signed with his own name. The Commons, however, passed by everything offensive in that paper with a magnanimity that became them. They considered nothing in it but the facts that the defendant alleged, and the principles he maintained; and after a deliberation, not short of judicial, we proceeded with confidence to your bar.

So far as to the process; which, though I mentioned last in the line and order in which I stated the objects of our selection, I thought it best to despatch first.

As to the crime which we chose, we first considered well what it was in its nature, under all the circumstances which attended it. We weighed it with all its extenuations, and with all its aggravations. On that review we are warranted to assert, that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects, without being in fact great offences. The Commons are too liberal not to allow for the difficulties of a great and arduous public

situation. They know too well the domineering necessities, which frequently occur in all great affairs. They know the exigency of a pressing occasion, which in its precipitate career bears everything down before it, which does not give time to the mind to recollect its faculties, to reinforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must be tried as men, and with a very large allowance indeed to human infirmity and human error. This, my lords, we knew, and we weighed before we came before you. But the crimes which we charge in these articles, are not lapses, defects, errors, of common human frailty, which, as we know and feel, we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbour; with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, died in grain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the breast of man is made to abhor, and the spirit of all laws human and divine to interdict, we desire no longer to be heard upon this occasion. Let everything that can be pleaded on the ground of surprise or error, upon those grounds be pleaded with success: we give up the whole of those predicaments. We urge no crimes that were not crimes of forethought. We charge him with nothing that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes not against forms, but against those eternal laws of justice, which are our rule and our birthright.

His offences are, not in formal, technical language, but in reality, in substance, and effect, *high* crimes and high misdemeanours.

So far as to the crimes. As to the criminal, we have chosen him on the same principle on which we selected the crimes. We have not chosen to bring before you a poor, puny, trembling delinquent, misled, perhaps, by those who ought to have taught him better, but who have afterwards oppressed him by their power, as they had first corrupted him by their example. Instances there have been many, wherein the punishment of minor offences, in inferior persons, has been made the means of screening crimes of a high order, and in men of high description. Our course is different. We have not brought before you an obscure offender, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression; no, my lords, we have brought before you the first man of India in rank, authority, and station. We have brought before you the chief of the tribe, the head of the whole body of eastern offenders; a captain-general of iniquity, under whom all the fraud, all the peculation, all the tyranny, in India, are embodied, disciplined, arrayed, and paid. This is the person, my lords, that we bring before you. We have brought before you such a person, that, if you strike at him with the firm and decided arm of justice, you will not have need of a great many more examples. You strike at the whole corps, if you strike at the head.

So far as to the crime: so far as to the criminal. Now, my lords, I shall say a few words relative to the evidence which we have brought to support such a charge, and which ought to be equal in weight to the charge itself. It is chiefly evidence of record, officially signed by the criminal himself in many instances. We have brought before you his own letters, authenticated by his own hand. On these we chiefly rely. But we shall likewise bring before you living witnesses, competent to speak to the points to which they are brought.

When you consider the late enormous power of the prisoner; when you consider his criminal, indefatigable assiduity in the destruction of all recorded evidence; when you

consider the influence he has over almost all living testimony; when you consider the distance of the scene of action,—I believe your lordships, and I believe the world, will be astonished that so much, so clear, so solid, and so conclusive evidence of all kinds has been obtained against him. I have no doubt that in nine instances in ten the evidence is such as would satisfy the narrow precision supposed to prevail, and to a degree rightly to prevail, in all subordinate power and delegated jurisdiction. But your lordships will maintain, what we assert and claim as the right of the subjects of Great Britain,—that you are not bound by any rules of evidence, or any other rules whatever, except those of natural, immutable, and substantial justice.

God forbid the Commons should desire that anything should be received as proof from them, which is not by nature adapted to prove the thing in question. If they should make such a request, they would aim at overturning the very principles of that justice to which they resort. They would give the nation an evil example, that would rebound back on themselves, and bring destruction upon their own heads, and on those of all their posterity.

On the other hand, I have too much confidence in the learning with which you will be advised, and the liberality and nobleness of the sentiments with which you are born, to suspect that you would, by any abuse of the forms, and a technical course of proceeding, deny justice to so great a part of the world that claims it at your hands. Your lordships always had an ample power, and almost unlimited jurisdiction; you have now a boundless object. It is not from this district, or from that parish, not from this city, or the other province, that relief is now applied for: exiled and undone princes, extensive tribes, suffering nations, infinite descriptions of men, different in language, in manners, and in rites—men, separated by every barrier of nature from you, by the providence of God are blended in one common cause, and are now become suppliants at your bar. For the honour of this nation, in vindication of this mysterious providence, let it be known that no rule formed upon municipal maxims (if any such rule exists) will prevent the course of that imperial justice which you owe to the people that call to you from all parts of a great disjointed world. For, situated

as this kingdom is, an object, thank God, of envy to the rest of the nations; its conduct in that high and elevated situation will undoubtedly be scrutinized with a severity as great as its power is invidious.

It is well known, that enormous wealth has poured into this country from India through a thousand channels, public and concealed; and it is no particular derogation from our honour to suppose a possibility of being corrupted by that by which other empires have been corrupted, and assemblies almost as respectable and venerable as your lordships have been directly or indirectly vitiated. Forty millions of money at least have within our memory been brought from India into England. In this case the most sacred judicature ought to look to its reputation. Without offence we may venture to suggest, that the best way to secure reputation is not by a proud defiance of public opinion, but by guiding our actions in such a manner as that public opinion may in the end be securely defied by having been previously respected and dreaded. No direct false judgment is apprehended from the tribunals of this country. But it is feared that partiality may lurk and nestle in the abuse of our forms of proceeding. It is necessary, therefore, that nothing in that proceeding should appear to mark the slightest trace, should betray the faintest odour, of chicane. God forbid that when you try the most serious of all causes, that when you try the cause of Asia in the presence of Europe, there should be the least suspicion that a narrow partiality utterly destructive of justice should so guide us, that a British subject in power should appear in substance to possess rights which are denied to the humble allies, to the attached dependants of this kingdom, who by their distance have a double demand upon your protection, and who by an implicit (I hope not a weak and useless) trust in you have stripped themselves of every other resource under heaven.

I do not say this from any fear, doubt, or hesitation, concerning what your lordships will finally do—none in the world; but I cannot shut my ears to the rumours which you all know to be disseminated abroad. The abusers of power may have a chance to cover themselves by those fences and intrenchments which were made to secure the liberties of the people against men of that very description. But God

forbid it should be bruited from Pekin to Paris, that the laws of England are for the rich and the powerful, but to the poor, the miserable, and defenceless they afford no resource at all. God forbid it should be said, no nation is equal to the English in *substantial* violence and in *formal* justice,—that in this kingdom we feel ourselves competent to confer the most extravagant and inordinate powers upon public ministers, but that we are deficient, poor, helpless, lame, and impotent in the means of calling them to account for their use of them. An opinion has been insidiously circulated through this kingdom, and through foreign nations too, that in order to cover our participation in guilt, and our common interest in the plunder of the East, we have invented a set of scholastic distinctions, abhorrent to the common sense and unpropitious to the common necessities of mankind, by which we are to deny ourselves the knowledge of what the rest of the world knows, and what so great a part of the world both knows and feels. I do not deprecate any appearance which may give countenance to this aspersion from suspicion that any corrupt motive can influence this court; I deprecate it from knowing that hitherto we have moved within the narrow circle of municipal justice. I am afraid that, from the habits acquired by moving within a circumscribed sphere, we may be induced rather to endeavour at forcing nature into that municipal circle, than to enlarge the circle of national justice to the necessities of the empire we have obtained.

This is the only thing which does create any doubt or difficulty in the minds of sober people. But there are those who will not judge so equitably. Where two motives, neither of them perfectly justifiable, may be assigned, the worst has the chance of being preferred. If, from any appearance of chicane in the court, justice should fail, all men will say, better there were no tribunals at all. In my humble opinion, it would be better a thousand times to give all complainants the short answer the Dey of Algiers gave a British ambassador representing certain grievances suffered by the British merchants,—"My friend" (as the story is related by Dr. Shawe), "do not you know that my subjects are a band of robbers, and that I am their captain?"—better it would be a thousand times, and a thousand thousand times

more manly, than a hypocritical process, which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind, without help and resource, to all the desolating consequences of arbitrary power. The conduct and event of this cause will put an end to such doubts, wherever they may be entertained. Your lordships will exercise the great plenary powers with which you are invested in a manner that will do honour to the protecting justice of this kingdom, that will completely avenge the great people who are subjected to it. You will not suffer your proceedings to be squared by any rules, but by their necessities, and by that law of a common nature which cements them to us and us to them. The reports to the contrary have been spread abroad with uncommon industry, but they will be speedily refuted by the humanity, simplicity, dignity, and nobleness of your lordships' justice.

Having said all that I am instructed to say concerning the process which the House of Commons has used, concerning the crimes which they have chosen, concerning the criminal upon whom they attach the crimes, and concerning the evidence which they mean to produce, I am now to proceed to open that part of the business which falls to my share. It is rather an explanation of the circumstances than an enforcement of the crimes.

Your lordships of course will be apprized, that this cause is not what occurs every day in the ordinary round of municipal affairs; that it has a relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English affairs. In other affairs every allusion immediately meets its point of reference; nothing can be started that does not immediately awaken to your attention something in your own laws and usages which you meet with every day in the ordinary transactions of life. But here you are caught as it were into another world; you are to have the way pioneered before you. As the subject is new, it must be explained; as it is intricate as well as new, that explanation can be only comparatively short: and therefore, knowing your lordships to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope that you will not grudge a few hours to the explanation of that which has cost

the Commons fourteen years' assiduous application to acquire;—that your lordships will not disdain to grant a few hours to what has cost the people of India upwards of thirty years of that innate, inveterate, hereditary patience to endure.

My lords, the powers which Mr. Hastings is charged with having abused, are the powers delegated to him by the East-India Company. The East-India Company itself acts under two very dissimilar sorts of powers, derived from two sources very remote from each other. The first source of its power is under charters which the Crown of Great Britain was authorized by act of parliament to grant; the other is from several charters derived from the emperor of the Moguls, the person in whose dominions they were chiefly conversant: particularly that great charter by which, in the year 1766, they acquired the high stewardship of the kingdoms of Bengal, Bahar, and Orissa. Under those two bodies of charters, the East-India Company and all their servants are authorized to act.

As to those of the first description, it is from the British charters that they derive the capacity by which they are considered as a public body, or at all capable of any public function. It is from thence they acquire the capacity to take from any power whatsoever any other charter, to acquire any other offices, or to hold any other possessions. This, being the root and origin of their power, renders them responsible to the party from whom all their immediate and consequential powers are derived. As they have emanated from the supreme power of this kingdom, the whole body and the whole train of their servants, the corporate body as a corporate body, individuals as individuals, are responsible to the high justice of this kingdom. In delegating great power to the East-India Company this kingdom has not released its sovereignty; on the contrary the responsibility of the Company is increased by the greatness and sacredness of the powers that have been intrusted to it. Attempts have been made abroad to circulate a notion that the acts of the East-India Company and their servants are not cognizable here. I hope on this occasion your lordships will show that this nation never did give a power, without annexing to it a proportionable degree of responsibility.

As to their other powers, the Company derives them from

the Mogul empire by various charters from that crown, and from the great magistrates of that crown, and particularly by the Mogul charter of 1765, by which they obtained the Duanni, that is, the office of Lord High Steward of the kingdoms of Bengal, Bahar, and Orissa. By that charter they bound themselves (and bound inclusively all their servants) to perform all the duties belonging to that new office, and to be held by all the ties belonging to that new relation. If the Mogul empire had existed in its vigour, they would have been bound under that responsibility to observe the laws, rights, usages, and customs of the natives, and to pursue their benefit in all things. For this duty was inherent in the nature, institution, and purpose of the office which they received. If the power of the sovereign, from whom they derived those powers, should by any revolution in human affairs be annihilated or suspended, their duty to the people below them, which was created under the Mogul charter, is not annihilated, is not even suspended; and for their responsibility in the performance of that duty they are thrown back upon that country (thank God, not annihilated) from whence their original power and all subsequent derivative powers have flowed. When the Company acquired that high office in India, an English corporation became an integral part of the Mogul empire. When Great Britain virtually assented to that grant of office, and afterwards took advantage of it, Great Britain guaranteed the performance of all its duties. Great Britain entered into a virtual act of union with that country, by which we bound ourselves as securities to preserve the people in all the rights, laws, and liberties which their natural original sovereign was bound to support, if he had been in condition to support them. By the disposition of events the two duties, flowing from two different sources, are now united in one. The people of India therefore come, in the name of the Commons of Great Britain, but in their own right, to the bar of this House, before the supreme royal justice of this kingdom, from whence originally all the powers under which they have suffered were derived.

It may be a little necessary, when we are stating the powers the Company have derived from their charter, and which we state Mr. Hastings to have abused, to state in as short and as comprehensive words as I can (for the matter is

large indeed) what the constitution of that Company is; I mean, chiefly, what it is in reference to its Indian service, the great theatre of the abuse. Your lordships will naturally conceive, that it is not to inform you, but to revive circumstances in your memory, that I enter into this detail.

You will therefore recollect, that the East-India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the Company was constituted, with extensive powers for increasing the commerce and the honour of this country; because increasing its commerce without increasing its honour and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the Company were, under that charter, merely commercial. By degrees, as the theatre of operation was distant; as its intercourse was with many great, some barbarous, and all of them armed nations—nations in which not only the sovereign but the subjects were armed; it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships—a power which has been since dropped; the next was a power of law martial; the next was a power of civil and, to a degree, of criminal jurisdiction within their own factories, upon their own people and their own servants; the next was—and here was a stride indeed—the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which, in several states, were not wholly intrusted to the prince or head of the commonwealth himself, were given to the East-India Company. That Company acquired these powers about the end of the reign of Charles II.; and they were afterwards more fully as well as more legally given by parliament after the Revolution. From this time the East-India Company was no longer merely a mercantile company, formed for the extension of the British commerce; it more nearly resembled a delegation of the whole power and sovereignty of this kingdom, sent into the East. From that time the Company ought to be considered as a subordinate sovereign power; that is, sovereign with regard to the objects which it touched, subordinate with regard to the

power from whence its great trust was derived. Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamt of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances a political body, that acts as a commonwealth, was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed. The constitution of the Company began in commerce, and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us,—universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed),—this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane,—the India Company came to be what it is—a great empire, carrying on subordinately a great commerce: it became that thing which was supposed by the Roman law irreconcilable to reason and propriety—*eundem negotiatorem et dominum:* the same power became the general trader, the same power became the supreme lord.

In this exalted situation the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mercantile plan and mercantile principles. In fact the East-India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house. Accordingly, the whole external order and series of the service, as I observed, is com-

mercial; the principal, the inward, the real, is almost entirely political.

This system of the Company's service, its order and discipline, is necessary to be explained to your lordships, that you may see in what manner the abuses have affected it. In the first place, all the persons who go abroad in the Company's civil service enter as clerks in the counting-house, and are called by a name to correspond to it, *writers*. In that condition they are obliged to serve five years. The second step is that of a *factor*, in which they are obliged to serve three years. The third step they take is that of a *junior merchant*, in which they are obliged to serve three years more. At that period they become *senior merchants*, which is the highest stage of advance in the Company's service; a rank by which they had pretensions, before the year 1774, to the council, to the succession of the presidency, and to whatever other honours the Company has to bestow.

The Company had, in its early times, established factories in certain places, which factories by degrees grew to the name of presidencies and council, in proportion as the power and influence of the Company increased, and as the political began first to struggle with and at length to predominate over the mercantile. In this form it continued till the year 1773; when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior department persons who had no title to that place under the ordinary usage of the service. Mr. Hastings and Mr. Barwell, whatever other titles they might have had, held solely under the act of parliament nominating them to that authority; but in all other respects, except where the act and other subsequent acts have not broken in upon it, the whole course of the service remains upon the ancient footing, that is, the commercial footing, as to the gradation and order of service.

Your lordships see here a regular series of gradation, which requires eleven years before any persons can arrive at the highest trusts and situations. You will therefore be astonished, when so long a probationary service was required, that effects very different from those to be expected from long probation have happened; and that in a much shorter time than those eleven years you have seen persons returning

into this kingdom with affluent, with overbearing fortunes. It will be a great part of your inquiry, when we come before your lordships to substantiate evidence against Mr. Hastings, to discover how that order came to be so completely broken down and erased that scarce a trace of it for any good purpose remains. Though I will not deny that that order, or that any order in a state, may be superseded by the ruling power when great talents upon pressing exigencies are to be called forth, yet I must say the order itself was formed upon wise principles. It furnished the persons who were put in that course of probation with an opportunity (if circumstances enabled them) of acquiring experience in business of revenue, trade, and policy. It gave to those who watched them a constant inspection of their conduct through all their progress. On the expectants of office it imposed the necessity of acquiring a character in proportion to their standing, in order that all which they had gained by the good behaviour of years should not be lost by the misconduct of an hour. It was a great substantial regulation. But scarce a trace of the true spirit of it remains to be discovered in Mr. Hastings's government; for Mr. Hastings established offices, nay, whole systems of offices, and especially a system of offices in 1781, which being altogether new, none of the rules of gradation applied to them; and he filled those offices in such a manner as suited best, not the constitution nor the spirit of the service, but his own particular views and purposes. The consequence has been, that persons in the most immature stages of life have been appointed to conduct affairs which required the greatest maturity of judgment, the greatest possible temper and moderation. Effects naturally consequent have followed upon it.—I shall not trouble your lordships with any further observations on this system of gradation.

I must however remark, before I go further, that there is something in the representation of the East-India Company, in their oriental territory, different from that, perhaps, of any other nation that has ever transported any part of its power from one country to another. The East-India Company, in India, is not properly a branch of the British nation, it is only a deputation of individuals. When the Tartars entered into China, when the Arabs and Tartars successively entered

into Hindostan, when the Goths and Vandals penetrated into Europe, when the Normans forced their way into England, indeed in all conquests, migrations, settlements, and colonizations, the new people came as the offset of a nation. The Company in India does not exist as a national colony. In effect and substance, nobody can go thither that does not go in its service. The English in India are nothing but a seminary for the succession of officers. They are a nation of placemen; —they are a commonwealth without a people; they are a state made up wholly of magistrates. There is nothing to be in propriety called people, to watch, to inspect, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. The consequence of which is, that being a kingdom of magistrates, what is commonly called the *esprit du corps* is strong in it. This spirit of the body predominates equally in all its parts; by which the members must consider themselves as having a common interest, and that common interest separated both from that of the country which sent them out, and from that of the country in which they act. No control upon them exists; none, I mean, in persons who understand their language, who understood their manners, or can apply their conduct to the laws. Therefore, in a body so constituted confederacy is easy, and has been general. Your lordships are not to expect that that should happen in such a body which never happened in any body or corporation, that is, that they should in any instance be a proper check and control upon themselves. It is not in the nature of things. The fundamental principle of the whole of the East-India Company's system is monopoly in some sense or other. The same principle predominates in the service abroad and the service at home; and both systems are united into one, animated with the same spirit, that is, with the corporate spirit. The whole, taken together, is such as has not been seen in the examples of the Moors, the Portuguese, the Spaniards, the Romans; in no old, in no recent examples. The Dutch may resemble it, but they have not an empire properly so denominated. By means of this peculiar circumstance it has not been difficult for Mr. Hastings to embody abuse, and to put himself at the head of a regular system of corruption.

Another circumstance in that service is deserving of no-

tice. Except in the highest parts of all, the emoluments of office do not in any degree correspond with the trust, nor the nature of the office with its name. In other official systems the style, in general, is above the function; here is it the reverse. Under the name of junior merchant, senior merchant, writer, and other petty appellations of the counting-house, you have magistrates of high dignity, you have administrators of revenues truly royal;—you have judges civil, and in some respects criminal, who pass judgment upon the greatest properties of a great country. The legal public emoluments that belong to them are very often so inadequate to the real dignity of the character, that it is impossible, almost absolutely impossible, for the subordinate parts of it, which though subordinate are stations of power, to exist as Englishmen who look at a fortune to be enjoyed at home as their ultimate object, and to exist in a state of perfect incorruption in that service.

In some parts of Europe it is true that the greatest situations are often attended with but little emolument; yet still they are filled. Why? Because reputation, glory, fame, the esteem, the love, the tears of joy which flow from happy sensibility, the honest applauses of a grateful country, sometimes pay the cares, anxieties, and toils which wait on great situations in the commonwealth: and in these, they pay in money what cannot be paid in fame and reputation. It is the reverse in the service of the India Company. Glory is not the lot of subordinated merit; and all the subordinate parts of the gradation are officers who, in comparison with the offices and duties intrusted with them, are miserably provided for; whereas the chief of each great presidency has emoluments securing him against every mode of temptation. But if this has not secured the head, we may easily judge how the members are to be coerced. Mr. Hastings at the head of the service, with high legal emoluments, has fouled his hands and sullied his government with bribes. He has substituted oppression and tyranny in the place of legal government. With all that unbounded, licentious power which he has assumed over the public revenues, instead of endeavouring to find a series of gradual, progressive, honourable, and adequate rewards for the persons who serve the public in the subordinate but powerful situations, he has

left them to prey upon the people without the smallest degree of control. In default of honest emolument, there is the unbounded license of power; and (as one of the honestest and ablest servants of the Company said to me in conversation) the civil service of the Company resembled the military service of the Mahrattas—little pay, but unbounded license to plunder. I do not say that some of the salaries given in India would not sound well here; but when you consider the nature of the trusts, the dignity of the situation, whatever the name of them may be, the powers that are granted, the hopes that every man has of establishing himself at home,—I repeat, it is a source of infinite grievance—of infinite abuse: of which source of corrupt power we charge Mr. Hastings with having availed himself in filling up the void of direct pay, by finding out and countenancing every kind of oblique and unjust emolument; though it must be confessed that he is far from being solely guilty of this offence.

Another circumstance which distinguishes the East-India Company is the youth of the persons who are employed in the system of that service. The servants have almost universally been sent out to begin their progress and career in active occupation, and in the exercise of high authority, at that period of life which in all other places has been employed in the course of a rigid education. To put the matter in a few words, they are transferred from slippery youth to perilous independence, from perilous independence to inordinate expectations, from inordinate expectations to boundless power. School-boys without tutors, minors without guardians, the world is let loose upon them, with all its temptations; and they are let loose upon the world, with all the powers that despotism involves.

It is further remarkable, these servants exercise, what your lordships are now exercising, high judicial powers; and they exercise them without the smallest study of any law either general or municipal. It is made a sort of rule in the service, a rule confirmed even by the attempts that were made to correct it (I mean, confirmed by Sir Elijah Impey, when under the auspices of Mr. Hastings he undertook to be legislator for India), that the judicial character, the last in the order of legal progress, that to which all professional men look up as the crown of their labours, that ultimate

hope of men grown grey in professional practice, is among the first experimental situations of a Company's servant. It is expressly said in that body of regulations to which I allude, that the office and situation of a judge of the dewanny courts of adawlet is to be filled by the *junior* servants of the Company; and as the judicial emolument is not substantially equal to that of other situations, the office of a judge is to be taken, as it were *in transitu*, as a passage to other offices not of a judicial nature. As soon therefore as a young man has supplied the defects of his education by the advantage of some experience, he is immediately translated to a totally different office: and another young man is substituted to learn, at the expense of the property of India, to fill a situation which when he may be qualified to fill he is no longer to hold.

It is in a great measure the same with regard to the other situations. They are the situations of great statesmen, which, according to the practice of the world, require, to fill properly, rather a large converse with men and much intercourse in life, than deep study of books; though that too has its eminent service. We know that in the habits of civilized life in cultivated society there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience which in mixed societies of business and converse form men gradually and insensibly to great affairs. Low cunning, intrigue, and stratagem are soon acquired; but manly, durable policy, which never sacrifices the general interest to a partial or momentary advantage, is not so cheaply formed in the human understanding.

Mr. Hastings, in his defence before the House of Commons and in the defences he has made before your lordships, has lamented his own situation in this particular. It was much to be lamented indeed. How far it will furnish justification, extenuation, or palliation of his conduct, when we come to examine that conduct, will be seen.

These circumstances in the system have in a great degree vitiated and perverted what is in reality—and many things are in reality—excellent in it. They have rendered the applica-

tion of all correctives and remedies to abuse at best precarious in their operation. The laws that we have made, the covenants which the Company has obliged its servants to enter into, the occasional orders that have been given at least ostensibly good, all have proved noxious to the country, instead of beneficial. To illustrate this point I beg leave to observe to your lordships, that the servants of the Company are obliged to enter into that service not only with an impression of the general duty which attaches upon all servants, but are obliged to engage in a specific covenant with their masters to perform all the duties described in that covenant (which are all the duties of their relation) under heavy penalties. They are bound to a repetition of these covenants at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant. They ought, according to the rule, to renew these covenants at these times by something (I speak without offence) which may be said to resemble confirmation in the church. They are obliged to renew their obligation in particular to receive no gifts, gratuities, or presents whatsoever.

This scheme of covenants would have been wise and proper if it had belonged to a judicious order and rational consistent scheme of discipline. The orders of the Company have forbidden their servants to take any extraneous emoluments. The act of parliament has fulminated against them. Clear positive laws and clear positive private engagements have no exception of circumstances in them, no difference *quoad majus et minus*, but every one who offends against the law is liable to the law. The consequence is this;—he who has deviated but an inch from the straight line, he who has taken but one penny of unlawful emolument,—and all have taken many pennies of unlawful emolument,—does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He who has taken a trifle perhaps as the reward of a good action is obliged to be silent when he sees whole nations desolated around him. The great criminal at the head of the service has the laws in his hand; he is always able to prove the small offence, and crush the person who has committed it. This is one grand source of Mr. Hastings's power. After he had got the better of the parliamentary commission, no complaint from any part of the service

has appeared against Mr. Hastings. He is bold enough to state it as one presumption of his merit, that there has been no such complaint. No such complaint indeed can exist. The spirit of the corps would of itself almost forbid it; to which spirit an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy. But here is a new security. Who can complain, or dares to accuse? The whole service is irregular: nobody is free from small offences; and, as I have said, the great offender can always crush the small one. If you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's service was made out of the very filth and dregs of human corruption; but if you examine his conduct towards the corrupt body he describes, you would imagine he had lived in the speculative schemes of visionary perfection.

He was fourteen years at the head of that service; and there is not an instance, no, not one single instance, in which he endeavoured to detect corruption,—or that he ever in any one single instance attempted to punish it; but the whole service, with that whole mass of enormity which he attributes to it, slept as it were at once under his terror and his protection;—under his protection if they did not dare to move against him; under terror from his power to pluck out individuals, and make a public example of them whenever he thought fit. And therefore that service, under his guidance and influence, was, beyond even what its own nature disposed it to, a service of confederacy, a service of connivance, a service composed of various systems of guilt, of which Mr. Hastings was the head and the protector. But this general connivance he did not think sufficient to secure to him the general support of the Indian interest. He went further. We shall prove to your lordships that when the Company were driven by shame, not by inclination, to order several prosecutions against delinquents in their service, Mr. Hastings, directly contrary to the duty of his office,—directly contrary to the express and positive law of the court of directors, which law parliament had bound upon him as his rule of action,—not satisfied with his long tacit connivance, ventured before he left his government, and among his last acts, to pass a gen-

eral act of pardon and indemnity, and at once ordered the whole body of the prosecutions directed by his masters, the Company, to be discharged.

Having had fourteen years' lease of connivance to bestow, and giving at the end a general release of all suits and actions, he now puts himself at the head of a vast body enriched by his bounties, connivances, and indemnities, and expects the support of those whom he had thus fully rewarded and discharged from the pursuit of the laws. You will find in the course of this business that when charges have been brought against him of any bribery, corruption, or other malversation, his course has been to answer little or nothing to that specific bribery, corruption, or malversation; his way has been to call on the court of directors to inquire of every servant who comes to Europe, and to say whether there was any one man in it that will give him an ill word. He has put himself into a situation in which he may always safely call to his character, and will always find himself utterly incapable of justifying his conduct. So far I have troubled your lordships with the system of confederacy and connivance which under his auspices was the vital principle of almost the whole service.

There is one member of the service which I have omitted; but whether I ought to have put it first or, as I do now, last, I must confess I am at some loss; because, though it appears to be the lowest (if any regular) part of the service, it is by far the most considerable and the most efficient; without a full consideration and explanation of which hardly any part of the conduct of Mr. Hastings, and of many others that may be in his situation, can be fully understood.

I have given your lordships an account of writers, factors, merchants, who exercise the office of judges, lord chancellors, chancellors of the exchequer, ministers of state, and managers of great revenues. But there is another description of men of more importance than them all, a description you have often heard of, but which has not been sufficiently explained; I mean the banyan. When the Company's service was no more than mercantile, and the servants were generally unacquainted with the country, they used the intervention of certain factors among the natives, which were called banyans; we called them so because they were of the tribe or caste of the banyans or merchants, the Indians being gen-

erally distributed into trades according to their tribes. The name still continues when the functions of the banyans are totally altered. The banyan is known by other appellations. He is called dewan or steward; and, indeed, this is a term with more propriety applied to him in several of his functions. He is, by his name of office, the steward of the household of the European gentleman: he has the management of his affairs, and the ordering of his servants. He is himself a domestic servant, and generally chosen out of that class of natives who by being habituated to misery and subjection can submit to any orders, and are fit for any of the basest services. Trained under oppression (it is the true education), they are fit to oppress others. They serve an apprenticeship of servitude, to qualify them for the trade of tyranny. They know all the devices, all the little frauds, all the artifices and contrivances, the whole panoply of the defensive armour by which ingenious slavery secures itself against the violence of power. They know all the lurking holes, all the winding recesses, of the unfortunate; and they hunt out distress and misery even to their last retreats. They have suffered themselves; but far from being taught by those sufferings to abstain from rigour, they have only learned the methods of afflicting their fellow slaves. They have the best intelligence of what is done in England. The moment a Company's servant arrives in India, and his English connexions are known to be powerful, some of that class of people immediately take possession of him as if he were their inheritance. They have knowledge of the country and its affairs; they have money, they have the arts of making money. The gentleman who comes from England has none of these; he enters into that world as he enters into the world at large, naked. His portion is great simplicity, great indigence, and a strong disposition to relieve himself. The banyan, once in possession, employs his tyranny, not only over the native people of his country, but often over the master himself, who has little other share in the proceedings of his servant but in giving him the ticket of his name, to mark that he is connected with and supported by an European, who is himself well connected and supported at home. This is a commission which nothing can resist. From that moment forward it is not the Englishman, it is the black

banyan that is the master. The nominal master often lives from his hand. We know how young men are sent out of this country: we know how happy we are to hear soon that they are no longer a burthen to their friends and parents. The banyan knows it too. He supplies the young servant with money. He has him under his power; first, from the necessity of employing such a man; and next (and this is the more important of the two), he has that dreadful power over his master which every creditor has over his debtor. Actions the most abhorrent to his nature he must see done before his face: and thousands and thousands worse are done in his absence, and he dare not complain. The banyan extorts, robs, plunders, and then gives him just what proportion of the spoil he pleases. If the master should murmur, the very power that was sent over to protect the people of India from these very abuses (the best things being perverted when applied to unknown objects, and put into unsuitable situations)—the very laws of England, by making the recovery of debts more easy, infinitely increase the power of the banyan over his master. Thus the supreme court of justice, the destined corrector of all abuses, becomes a collateral security for that abominable tyranny exercised by the monied banyans over Europeans as well as the natives. So that while we are here boasting of the British power in the East, we are in perhaps more than half our service nothing but the inferior miserable instruments of the tyranny which the lowest part of the natives of India exercise, to the disgrace of the British authority, and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses, totally ruined and undone the country, cheated and defrauded the revenue; the master a silent, sometimes a melancholy, spectator, until some office of high emolument has emancipated him. This has often been the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become instruments of another tyranny, and must prostitute themselves to men in power, in order to obtain some office that may enable them to escape the servitudes below, and enable them to pay their debts. And thus many have become the instruments of Mr. Hastings.

These banyans or dewans were originally among the lower

castes in the country. But now it is true that, after seeing the power and profits of these men,—that there is neither power, profession, nor occupation to be had, which a reputable person can exercise, but through that channel,—men of higher castes, and born to better things, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But whoever they are, or of whatever birth, they have equally prostituted their integrity, they have equally lost their character; and once entered into that course of life, there is no difference between the best castes and the worst. That system Mr. Hastings confirmed, established, increased, and made the instrument of the most austere tyranny, of the basest peculations, and the most scandalous and iniquitous extortions.

In the description I have given of banyans a distinction is to be made. Your lordships must distinguish the banyans of the British servants in subordinate situations, and the banyans who are such to persons in higher authority. In the latter case the banyan is in strict subordination, because he may always be ruined by his superior; whereas in the former it is always in his power to ruin his nominal superior. It was not through fear but voluntarily, and not for the banyan's purposes but his own, Mr. Hastings has brought forward his banyan. He seated him in the houses of the principal nobility, and invested him with farms of the revenue; he has given him enormous jobs; he has put him over the heads of a nobility which for their grandeur, antiquity, and dignity might almost be matched with your lordships. He has made him supreme ecclesiastical judge, judge even of the very castes, in the preservation of the separate rules and separate privileges of which that people exists. He who has dominion over the caste, has an absolute power over something more than life and fortune.

Such is that first or last (I know not which to call it) order in the Company's service called a banyan. The mutseddies, clerks, accountants, of Calcutta, generally fall under this description. Your lordships will see hereafter the necessity of giving you, in the opening of the case, an idea of the situation of a banyan. You will see, as no Englishman, properly speaking, acts by himself, that he must be made responsible

for that person called his banyan, for the power he either uses under him, or the power he has acquired over him. The banyan escapes, in the night of his complexion and situation, the inquiry that a white man cannot stand before in this country. Through the banyans or other black natives a bad servant of the Company receives his bribes. Through them he decides falsely against the titles of litigants in the court of castes, or in the offices of public registry. Through them Mr. Hastings has exercised oppressions which, I will venture to say, in his own name, in his own character, daring as he is (and he is the most daring criminal that ever existed), he never would dare to practise. Many, if not most, of the iniquities of his interior bad administration have been perpetrated through these banyans or other native agents and confidants; and we shall show you that he is not satisfied with one of them; confiding few of his secrets to Europeans, and hardly any of his instruments, either native or European, knowing the secrets of each other. This is the system of banyanism and of concealment which Mr. Hastings, instead of eradicating out of the service, has propagated by example and by support, and enlarged by converting even Europeans into that dark and insidious character.

I have explained or endeavoured to explain to your lordships these circumstances of the true spirit, genius, and character, more than the ostensible institutions, of the Company's service. I now shall beg leave to bring before you one institution, taken from the mercantile constitution of the Company, so excellent that I will venture to say that human wisdom has never exceeded it. In this excellent institution the counting-house gave lessons to the state. The active, awakened, and enlightened principle of self-interest will provide a better system for the guard of that interest, than the cold, drowsy wisdom of those who provide for a good out of themselves ever contrived for the public. The plans sketched by private prudence for private interest, the regulations by mercantile men for their mercantile purposes, when they can be applied to the discipline and order of the state, produce a discipline and order which no state should be ashamed to copy. The Company's mercantile regulations are admirably fitted for the government of a remote, large, disjointed empire. As merchants having factors abroad in

distant parts of the world, they have obliged them to a minuteness and strictness of register, and to a regularity of correspondence, which no state has ever used in the same degree with regard to its public ministers. The Company has made it a fundamental part of their constitution, that almost their whole government shall be a written government. Your lordships will observe, in the course of the proceeding, the propriety of opening fully to you this circumstance in the government of India; that is, that the Company's government is a government of writing,—a government of record. The strictest court of justice, in its proceeding, is not more, perhaps not so much, a court of record as the India Company's executive service is, or ought to be, in all its proceedings.

In the first place, they oblige their servants to keep a journal, or diary, of all their transactions, public and private: they are bound to do this by an express covenant. They oblige them, as a corrective upon that diary, to keep a letter-book, in which all their letters are to be regularly entered. And they are bound, by the same covenant, to produce all those books upon requisition, although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and most retired concerns in private life. But, as the great corrective of all, they have contrived that every proceeding in public council shall be written:—no debates merely verbal. The arguments, first or last, are to be in writing and recorded. All other bodies, the Houses of Lords, Commons, Privy Council, Cabinet Councils for secret state deliberations, enter only resolves, decisions, and final resolutions of affairs; the argument, the discussion, the dissent, does very rarely, if at all, appear. But the Company has proceeded much further, and done much more wisely, because they proceeded upon mercantile principles; and they have provided, either by orders or course of office, that all shall be written—the proposition, the argument, the dissent. This is not confined to their great council; but this order ought to be observed, as I conceive, and I see considerable traces of it in practice, in every provincial council, whilst the provincial councils existed, and even down to the minutest ramification of their service. These books, in a progression from the lowest councils to the

highest presidency, are ordered to be transmitted, duplicate and triplicate, by every ship that sails to Europe. On this system an able servant of the Company, and high in their service, has recorded his opinion, and strongly expressed his sentiments. Writing to the court of directors, he says, "It ought to be remembered that the basis upon which you rose to power, and have been able to stand the shock of repeated convulsions, has been the accuracy and simplicity of mercantile method, which makes every transaction in your service, and every expenditure, a matter of record."

My lords, this method not only must produce to them, if strictly observed, a more accurate idea of the nature of their affairs, and the nature of their expenditures, but it must afford them no trivial opportunity and means of knowing the true characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds. If well employed, and but a little improved, the East-India Company possessed an advantage unknown before to the chief of a remote government. In the most remote parts of the world, and in the minutest parts of a remote service, everything came before the principal, with a domestic accuracy and local familiarity. It was in the power of a director, sitting in London, to form an accurate judgment of every incident that happened upon the Ganges and the Gogra.

The use of this recorded system did not consist only in the facility of discovering what the nature of their affairs and the character and capacity of their servants were, but it furnished the means of detecting their misconduct; frequently of proving it, too, and of producing the evidence to it judicially under their own hands. For your lordships must have observed that it is rare indeed, that in a continued course of evil practices any uniform method of proceeding will serve the purposes of the delinquent. Innocence is plain, direct, and simple: guilt is a crooked, intricate, inconstant, and various thing. The iniquitous job of to-day may be covered by specious reasons; but when the job of iniquity of to-morrow succeeds, the reasons that have coloured the first crime may expose the second malversation. The man of fraud falls into contradiction, prevarication, confusion. This hastens, this facilitates, conviction. Besides, time is not allowed for corrupting the records. They are flown out of

their hands; they are in Europe; they are safe in the registers of the Company; perhaps they are under the eye of parliament, before the writers of them have time to invent an excuse for a direct contrary conduct to that to which their former pretended principles applied. This is a great, a material part of the constitution of the Company. My lords, I do not think it to be much apologized for, if I repeat that this is the fundamental regulation of their service, and which, if preserved in the first instance, as it ought to be, in official practice in India, and then used as it ought to be in England, would afford such a mode of governing a great, foreign, dispersed empire, as I will venture to say few countries ever possessed even in governing the most limited and narrow jurisdiction.

It was the great business of Mr. Hastings's policy to subvert this great political edifice. His first mode of subverting it was by commanding the public ministers, paid by the Company, to deliver their correspondence upon the most critical and momentous affairs to him, in order to be suppressed and destroyed at his pleasure. To support him in this plan of spoliation, he has made a mischievous distinction in public business, between public and private correspondence. The Company's orders and covenants made none. There are, readily I admit, thousands of occasions in which it is not proper to divulge promiscuously a private correspondence, though on public affairs, to the world; but there is no occasion in which it is not a necessary duty, on requisition, to communicate your correspondence to those who form the paramount government, on whose interests, and on whose concerns, and under whose authority, this correspondence has been carried on. The very same reasons which require secrecy with regard to others, demand the freest communication to them. But Mr. Hastings has established principles of confidence and secrecy towards himself, which have cut off all confidence between the directors and their ministers, and effectually kept them at least out of the secret of their own affairs.

Without entering into all the practices by which he has attempted to maim the Company's records, I shall state one more to your lordships; that is, his avowed appointment of spies and under-agents, who shall carry on the real state

business, while there are public and ostensible agents who are not in the secret. The correspondence of those private agents he holds in his own hands, communicates as he thinks proper, but most commonly withholds. There remains nothing for the directors but the shell and husk of a dry, formal, official correspondence, which neither means anything, nor was intended to mean anything.

These are some of the methods by which he has defeated the purposes of the excellent institution of a recorded administration. But there are cases to be brought before this court, in which he has laid the axe at once to the root; which was, by delegating out of his own hands a great department of the powers of the Company, which he was himself bound to execute, to a board which was not bound to record their deliberations with the same strictness as he himself was bound. He appointed of his own usurped authority a board for the administration of the revenue, the members of which were expressly dispensed from recording their dissents, until they chose it; and in that office, as in a great gulf, a most important part of the Company's transactions has been buried.

Notwithstanding his unwearied pains in the work of spoliation, some precious fragments are left, which we ought infinitely to value, by which we may learn and lament the loss of what he has destroyed. If it were not for those inestimable fragments and wrecks of the recorded government, which have been saved from the destruction which Mr. Hastings intended for them all, the most shameful enormities that have ever disgraced a government or harassed a people would only be known in this country by secret whispers and unauthenticated anecdotes; the disgracers of government, the vexers and afflicters of mankind, instead of being brought before an awful public tribunal, might have been honoured with the highest distinctions and rewards their country has to bestow; and sordid bribery, base peculation, iron-handed extortion, fierce, unrelenting tyranny, might themselves have been invested with those sacred robes of justice, before which this day they have cause to tremble.

Mr. Hastings, sensible of what he suffers from this register of acts and opinions, has endeavoured to discredit and ruin what remains of it. He refuses, in his defence to the House of Commons, in letters to the court of directors, in

various writings and declarations, he refuses to be tried by his own recorded declarations; he refuses to be bound by his own opinions, delivered under his own hand. He knows that he and the record cannot exist together. He knows that what remains of the written constitution, which he has not destroyed, is enough to destroy him. He claims a privilege of systematic inconstancy; a privilege of prevarication; a privilege of contradiction; a privilege of not only changing his conduct, but the principles of his conduct, whenever it suits his occasions. But I hope your lordships will show the destroyers of that wise constitution, and the destroyers of those records, which are to be the securities against malversation in office, the discoverers and avengers of it, that whoever destroys the discoverer establishes the iniquity; that, therefore, your lordships will bind him to his own declarations, given on record under his own hand; that you will say to this unfaithful servant of the Company, what was said to another unfaithful person, upon a far less occasion, by a far greater authority, "Out of thy own mouth will I judge thee, thou wicked servant."

Having gone through what I have been instructed might be necessary to state to your lordships concerning the Company's constitution,—I mean the real inside, and not the shell, of its constitution; having stated the abuses that existed in it; having stated how Mr. Hastings endeavoured to perpetuate, and to increase, and to profit of the abuse, and how he has systematically endeavoured to destroy, and has in some instances in fact destroyed, many things truly excellent in that constitution; if I have not wasted your time in explanation of matters that you are already well acquainted with, I shall next beg leave to state to you the abuse in some particulars of the other part of the public authority, which the Company acquired over the natives of India in virtue of the royal charter of the present Mogul emperor, in the year 1766.

My lords, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, it will be expedient to consider a little who the people are, to whose prejudice he has abused these powers. I shall explain this point with as much brevity as is consistent with the distinctness with which I mean to bring the whole before your lordships; and I beg to observe to you, that this previous dis-

course, rather explanatory than accusatorial (if I may use the expression), is meant rather to elucidate the nature of the matter to come before you in regular charges, than as proof of the charges themselves.

I know that a good deal of latitude is allowed to advocates, when opening a cause in a private court, to indulge themselves in their narratives leading to the charges they intend to bring. They are not always called to the strictest account for such prefatory matter, because the court, when it comes to judge, sifts and distinguishes it from the points to be strictly proved, and on whose merits the cause relies.

But I wish your lordships to know, that, with the high opinion I have of your gravity (and it is impossible for a man to conceive a higher), and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry that any one substantial fact, even in this explanatory opening, or even the colour of the fact, should be alleged, which, when called upon, I should not be ready to make good to you by proof—I mean, by proof adapted to its nature; public opinion by evidence of public opinion; by record that to which record is applicable; by oral testimony things to which oral testimony alone can be produced; and last of all, that which is matter of historic proof by historic evidence. This I hope to do with the usual allowance to errors and mistakes which is the claim of human infirmity.

Then, my lords, two distinct people inhabit India. Two sorts of people inhabit the same country, as totally distinct from each other in characters, lives, opinions, prejudices, and manners, as the inhabitants of countries most remote from each other. For both of these descriptions Mr. Hastings was bound to provide equally, agreeable to the terms of the charter which the Company received from the lawful governing power of that country,—a charter received at its own solicitation,—a charter not forced upon us by a superior power, but given at the immediate solicitation of the principal servants belonging to the Company,—a charter solemnly accepted by the Company, and by them, I am very sorry to say, little regarded, or, at least, little regarded by their principal servants.

My lords, the first description of people who are subjected

virtually to the British empire through those mediums which I have described to you, are the original inhabitants of Hindostan, who have in all time, and beyond all the eras which we use (I mean always the two grand eras excepted), been the aboriginal inhabitants and proprietors of that country; with manners, religion, customs, and usages appropriated to themselves, and little resembling those of the rest of mankind. This description of men is commonly called Gentoos. The system and principle of that government is locality. Their laws, their manners, their religion, are all local.

Their legislator, whoever he was (for who he was is a matter lost in the midst of a most obscure antiquity), had it as a great leading principle of his policy to connect the people with their soil. Accordingly, by one of those anomalies which a larger acquaintance with our species daily discovers, and which perhaps an attentive reflection might explain in the nature of man, this aboriginal people of India, who are the softest in their manners of any of our race, approaching almost to feminine tenderness, who are formed constitutionally benevolent, and in many particulars made to fill a larger circle of benevolence than our morals take in, who extend their goodwill to the whole animal creation,—these people are, of all nations, the most unalliable to any other part of mankind. They cannot—the highest orders of them, at least, cannot—come into contact with any other. That bond which is one of the chief instruments of society, and which, supporting the individual, connects the species, can have no existence with them—I mean the convivial bond. That race can be held to no other by that great link of life. No Hindoo can mix at meals even with those on whom he depends for the meat he eats. This circumstance renders it difficult for us to enter with due sympathy into their concerns, or for them to enter into ours, even when we meet on the same ground. But there are other circumstances which render our intercourse, in our mutual relation, very full of difficulty. The sea is between us. The mass of that element which, by appearing to disconnect, unites mankind, is to them a forbidden road. It is a great gulf fixed between you and them—not so much that elementary gulf, but that gulf which manners, opinions, and laws have radicated in the very nature of the people. None of their high castes, without great danger to his

situation, religion, rank, and estimation, can ever pass the sea; and this forbids, for ever, all direct communication between that country and this. That material and affecting circumstance, my lords, makes it ten times more necessary, since they cannot come to us, to keep a strict eye upon all persons who go to them. It imposes upon us a stricter duty to guard, with a firm and powerful vigilance, those whose principles of conscience weaken their principles of self-defence. If we undertake to govern the inhabitants of such a country, we must govern them upon their own principles and maxims, and not upon ours. We must not think to force them into the narrow circle of our ideas; we must extend ours to take in their system of opinions and rites, and the necessities which result from both: all change on their part is absolutely impracticable. We have more versatility of character and manners, and it is we who must conform. We know what the empire of opinion is in human nature. I had almost said that the law of opinion was human nature itself. It is, however, the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle than in all external circumstances put together. But if such is the empire of opinion even amongst us, it has a pure, unrestrained, complete, and despotic power amongst them. The variety of balanced opinions in our minds weakens the force of each; for in Europe, sometimes, the laws of religion differ from the laws of the land; sometimes, the laws of the land differ from our laws of honour; our laws of honour are full of caprice, differing from those other laws, and sometimes differing from themselves: but there the laws of religion, the laws of the land, and the laws of honour, are all united and consolidated in one invariable system, and bind men by eternal and indissoluble bonds to the rules of what, amongst them, is called his *caste*.

It may be necessary just to state to your lordships what a *caste* is. The Gentoo people from the oldest time have been distributed into various orders, all of them hereditary: these family orders are called castes; these castes are the fundamental part of the constitution of the Gentoo commonwealth, both in their church and in their state.

Your lordships are born to hereditary honours in the chief

of your houses. The rest mix with the people. With the Gentoos, they who are born noble can never fall into any second rank. They are divided into four orders; the Brahmins, the Chittery, the Bice, and the Soodur, with many subdivisions in each. An eternal barrier is placed between them. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriated rank, place, and situation, and their appropriated religion too; which is essentially different in its rites and ceremonies, sometimes in its object, in each of those castes. A man who is born in the highest caste, which at once unites what would be tantamount in this country to the dignity of the peerage and the ennobled sanctity of the episcopal character, the Brahmin, who sustains these characters, if he loses his caste, does not fall into an inferior order, the Chittery, the Bice, or the Soodur, but he is thrown at once out of all ranks of society. He is precipitated from the proudest elevation of respect and honour to a bottomless abyss of contempt, from glory to infamy, from purity to pollution, from sanctity to profanation. No honest occupation is open to him. His children are no longer his children. Their parent loses that name. The conjugal bond is dissolved. Few survive this most terrible of all calamities. To speak to an Indian of his caste is to speak to him of his all.

But the rule of caste has, with them, given one power more to fortune than the manners of any other nation were ever known to do. For it is singular, the caste may be lost, not only by certain voluntary crimes, but by certain involuntary sufferings, disgraces, and pollutions, that are utterly out of their power to prevent. Those who have patiently submitted to imprisonment—those who have not flinched from the scourge—those who have been as unmoved as marble under torture—those who have laughed at the menaces of death itself—have instantly given way when it has been attempted to subject them to any of those pollutions by which they lose caste. To this caste they are bound by all laws of all descriptions, human and divine; and inveterate usage has radicated it in them to a depth and with an adhesion with which no other known prejudice has been known to exist. Tyranny is, therefore, armed against them with a greater variety of weapons than are found in its ordinary stores.

This, amongst a thousand other considerations, speaks to us in very authoritative language, with what care and circumspection we ought to handle people so delicate. In the course of this trial your lordships will see with horror the use which Mr. Hastings made, through several of his wicked and abominable instruments, chosen from the natives themselves, of these superadded means of oppression. I shall prove, in the course of this trial, that he has put his own menial domestic servant—a wretch totally dependent—a wretch grossly ignorant—the common instrument of his bribery and peculation;—he has enthroned him, I say, on the first seat of ecclesiastical jurisdiction, which was to decide upon the castes of all those people, including their rank, their family, their honour, and their happiness here, and, in their judgment, their salvation hereafter. Under the awe of this power, no man dared to breathe a murmur against his tyranny. Fortified in this security, he says, Who complains of me?—No, none of us dare complain of you, says the trembling Gentoo. No! your menial servant has my caste in his power. I shall not trouble your lordships with mentioning others; it was enough that Canto Baboo and Ginga Govind Sing, names to which your lordships are to be familiarized hereafter,—it is enough that those persons had the caste and character of all the people of Bengal in their hands. Through them he has taken effectual security against all complaint. Your lordships will hence discern how very necessary it is become that some other personage should intervene, should take upon him their representation, and by his freedom and his power should supply the defects arising from their servitude and their impotence. The Commons of Great Britain charge themselves with this character.

My lords, these Gentoo people are the original people of Hindostan. They are still beyond comparison the most numerous. Faults this nation may have, but God forbid we should pass judgment upon people who framed their laws and institutions prior to our insect origin of yesterday. With all the faults of their nature, and errors of their institutions, their institutions, which act so powerfully on their natures, have two material characteristics which entitle them to respect:—first, great force and stability; and next, excel-

lent moral and civil effects. Their stability has been proved by their holding on an uniform tenor for a duration commensurate to all the empires with which history has made us acquainted; and they still exist in a green old age, with all the reverence of antiquity, and with all the passion that people have to novelty and change. They have stood firm on their ancient base—they have cast their roots deep in their native soil; perhaps because they have never spread them anywhere else than in their native soil. Their blood, their opinions, and the soil of their country, make one consistent piece; admitting no mixture, no adulteration, no improvement: accordingly, their religion has made no converts; their dominion has made no conquests; but in proportion as their laws and opinions were concentred within themselves, and hindered from spreading abroad, they have doubled their force at home. They have existed in spite of Mahomedan and Portuguese bigotry, in spite of Tartarian and Arabian tyranny, in spite of all the fury of successive foreign conquest, in spite of a more formidable foe—the avarice of the English dominion.

I have spoken now, my lords, of what their principles are; —their laws and religious institutions, in point of force and stability: I have given instances of their force in the very circumstance in which all the institutions of mankind in other respects show their weakness. They have existed when the country has been otherwise subdued. This alone furnishes full proof that there must be some powerful influence resulting from them beyond all our little fashionable theories upon such subjects.

The second consideration in the Gentoo institutions is their beneficial effects, moral and civil. The policy, civil or religious, or, as theirs is, composed of both, that makes a people happy, and a state flourishing (putting further and higher considerations out of the way, which are not now before us), must undoubtedly, so far as human considerations prevail, be a policy wisely conceived in any scheme of government. It is confirmed by all observation, that where the Hindoo religion has been established, that country has been flourishing. We have seen some patterns remaining to this day. The very country which is to be the subject of your lordships' judicial inquiry is an instance, by an entire change of government, of

the different effects resulting from the rapacity of a foreign hand, and the paternal, lenient, protecting arm of a native government, formed on the long connexion of prejudice and power. I shall give you its state under the Hindoo government from a book written by a very old servant of the Company, whose authority is of the greater weight as the very destruction of all this scheme of government is the great object of the author.

The author, Mr. Holwell, divides the country of Bengal into its different provinces. He supposes what they then paid to the supreme government; he supposes what the country is capable of yielding; and his project is to change entirely the application of the revenues of the country, and to secure the whole into the hands of government. In enumerating these provinces, at last he comes to the province of Burdwan.

"In truth (says this author), it would be almost cruelty to molest this happy people; for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindostan government. Here the property as well as the liberty of the people are inviolate. Here no robberies are heard of, either public or private. The traveller, either with or without merchandise, becomes the immediate care of the government, which allots him guards, without any expense, to conduct him from stage to stage; and these are accountable for the safety and accommodation of his person and effects. At the end of the first stage he is delivered over, with certain benevolent formalities, to the guards of the next, who, after interrogating the traveller as to the usage he had received in his journey, dismiss the first guard with a written certificate of their behaviour, and a receipt for the traveller and his effects; which certificate and receipt are returnable to the commanding officer of the first stage, who registers the same, and regularly reports it to the rajah."

"In this form the traveller is passed through the country; and if he only passes, he is not suffered to be at any expense for food, accommodation, or carriage for his merchandise or baggage; but it is otherwise if he is permitted to make any residence in one place above three days, unless occasioned by sickness, or any unavoidable accident. If anything is lost

in this district, for instance, a bag of money or other valuables, the person who finds it hangs it upon the next tree, and gives notice to the nearest chowkey, or place of guard; the officer of which orders immediate publication of the same by beat of tomtom, or drum."

These, my lords, are the effects universally produced by the Hindoo polity throughout that vast region, before it was distorted and put out of frame by the barbarism of foreign conquests. Some choice reserved spots continued to flourish under it to the year 1756. Some remained till Mr. Hastings obtained the means of utterly defacing them. Such was the prospect of Benares under the happy government of Bulwant Sing. Such was the happy state of the same Benares in the happy days of Cheit Sing, until in the year 1781 Mr. Hastings introduced *his* reform into that country.

Having stated the general outline of the manners of the original people of Hindostan, having stated the general principles of their policy, which either prohibit connexion, or oblige us to a connexion very different from what we have hitherto used towards them, I shall leave it to your lordships' judgment whether you will suffer such fair monuments of wisdom and benevolence to be defaced by the rapacity of your governors. I hope I have not gone out of my way to bring before you any circumstance relative to the Gentoo religion and manners, further than as they relate to the spirit of our government over them; for though there never was such food for the curiosity of the human mind as is found in the manners of this people, I pass it totally over.

I wish to divide this preliminary view into six periods; and your lordships will consider that of the Hindoos, which I have now mentioned, as the first era.

The second era is an era of great misfortune to that country, and to the world in general; I mean, the time of the prophet Mahomed. The enthusiasm which animated his first followers, the despotic power which religion obtained through that enthusiasm, and the advantages derived from both over the enervated great empires and broken, disunited lesser governments of the world, extended the influence of that proud and domineering sect from the banks of the Ganges to the banks of the Loire.

This second period is the era of the Arabs. These people

made a great and lasting impression on India. They established, very early, Mahomedan sovereigns in all parts of it; particularly in the kingdom of Bengal, which is the principal object of our present inquiry. They held that kingdom, for a long series of years, under a dynasty of thirty-three kings; having begun their conquest and founded their dominion in Bengal not very long after the time of their prophet.

These people, when they first settled in India, attempted with the ferocious arm of their prophetic sword to change the religion and manners of that country; but at length perceiving that their cruelty wearied out itself, and never could touch the constancy of the sufferers, they permitted the native people of the country to remain in quiet, and left the Mahomedan religion to operate upon them as it could, by appealing to the ambition or avarice of the great, or by taking the lower people, who have lost their castes, into this new sect; and thus, from the refuse of the Gentoo, increasing the bounds of the Mahomedan religion. They left many of the ancient rajahs of the country possessed of an inferior sovereignty; and where the strength of the country or other circumstances would not permit this subordination, they suffered them to continue in a separate state, approaching to independence, if not wholly independent.

The Mahomedans, during the period of the Arabs, never expelled or destroyed the native Gentoo nobility, zemindars, or landholders of the country. They all, or almost all, remained fixed in their places, properties, and dignities; and the shadows of several of them remain under our jurisdiction.

The next, which is the third era, is an era the more necessary to observe upon, because Mr. Hastings has made many applications to it in his defence before the Commons; namely, the invasion of the Tartars, or the era of Tamerlane. These Tartars did not establish themselves on the ruins of the Hindoos. Their conquests were over the other Mahomedans; for Tamerlane invaded Hindostan, as he invaded other countries, in the character of the great reformer of the Mahomedan religion. He came as a sort of successor to the rights of the prophet upon a divine title. He struck at all the Mahomedan princes who reigned at that time. He considered them as apostates, or at least as degenerated from the faith, and as tyrants abusing their power. To fa-

cilitate his conquests over these, he was often obliged to come to a sort of a composition with the people of the country he invaded. Tamerlane had neither time, nor means, nor inclination, to dispossess the ancient rajahs of the country.

Your lordships will observe, that I propose nothing more than to give you an idea of the principles of policy which prevailed in these several revolutions, and not a history of the furious military achievements of a barbarous invader. Historians, indeed, are generally very liberal of their information concerning everything but what we ought to be very anxious to know. They tell us that India was conquered by Tamerlane, and conquered in such a year. The year will be found to coïncide somewhere, I believe, with the end of the fourteenth century. Thinking the mere fact as of little moment, and its chronology as nothing, but thinking the policy very material, which, indeed, is to be collected only here and there, in various books written with various views, I shall beg leave to lay before you a very remarkable circumstance relative to that policy, and taken from the same book to which I formerly referred, Mr. Holwell's.

"When the Hindoo rajahs, or princes of Hindostan, submitted to Tamerlane, it was on these capital stipulations:—that the emperor should marry a daughter of Rajah Cheit Sing's house; that the head of this house should be in perpetuity governors of the citadel of Agra, and anoint the king at his coronation; and that the emperors should never impose the jessera (or poll tax) upon the Hindoos."

Here was a conqueror, as he is called, coming in upon terms; mixing his blood with that of the native nobility of the country he conquered; and, in consequence of this mixture, placing them in succession upon the throne of the country he subdued; making one of them even hereditary constable of the capital of his kingdom, and thereby putting his posterity as a pledge into their hands. What is full as remarkable, he freed the Hindoos for ever from that tax which the Mahomedans have laid upon every country over which the sword of Mahomed prevailed, namely, a capitation tax upon all who do not profess the religion of the Mahomedans. But the Hindoos, by express charter, were exempted from that mark of servitude, and thereby declared not to be a conquered people. The native princes, in all their transactions

with the Mogul government, carried the evident marks of this free condition in a noble independency of spirit. Within their own districts the authority of many of them seemed entire. We are often led into mistakes concerning the government of Hindostan, by comparing it with those governments where the prince is armed with a full, speculative, entire authority; and where the great people have, with great titles, no privileges at all; or, having privileges, have those privileges only as subjects. But in Hindostan the modes, the degrees, the circumstances of subjection, varied infinitely. In some places hardly a trace at all of subjection was to be discerned; in some the rajahs were almost assessors of the throne, as in this case of the Rajah Cheit Sing. These circumstances mark, that Tamerlane, however he may be indicated by the odious names of Tartar and conqueror, was no barbarian;—that the people, who submitted to him, did not submit with the abject submission of slaves to the sword of a conqueror, but admitted a great, supreme emperor, who was just, prudent, and politic, instead of the ferocious, oppressive lesser Mahomedan sovereigns, who had before forced their way by the sword into the country.

That country resembled more a republic of princes with a great chief at their head, than a territory in absolute, uniform, systematic subjection from one end to the other; in which light Mr. Hastings and others of late have thought proper to consider it. According to them, if a subordinate prince like Cheit Sing was not ready to pay any exorbitant sum on instant demand, or submit to any extent of fine which should be inflicted upon him by the mere will of the person who called *robbery* a *fine*, and who took the measure of that fine without either considering the means of paying, or the degree of delinquency that justified it, their properties, liberties, and lives were instantly forfeited. The rajahs of that country were armed;—they had fortresses for their security;—they had troops. In the receipt of both their own and the imperial revenue, their securities for justice were in their own hands: but the policy of the Mogul princes very rarely led them to push that people to such extremity as it is supposed that on every slight occasion we have a right to push those who are the subjects of our pretended conquest.

Mr. Holwell throws much light on this policy, which became the standing law of the empire.—

"In the unfortunate wars which followed the death of Manz O'Din Sevajee, Cheit Sing (the great rajah we have just mentioned) with a select body of Rhajapoots, by a well-conducted retreat, recovered Agra; and was soon after reconciled to the king (the Mogul) and admitted to his favour; conformable to the steady policy of this government in keeping a good understanding with the principal rajahs, and more especially with the head of this house, who is ever capable of raising and fomenting a very formidable party upon any intended revolution in this despotic and precarious monarchy."

You see that it was the monarchy that was precarious, not the rights of the subordinate chiefs. Your lordships see that, notwithstanding our ideas of oriental despotism, under the successors of Tamerlane these principal rajahs, instead of being called wretches, and treated as such, as Mr. Hastings has thought it becoming to call and treat them, when they were in arms against their sovereign were regarded with respect, and were admitted to easy reconciliations; because in reality, in their occasional hostilities, they were not properly rebellious subjects, but princes, often asserting their natural rights and the just constitution of the country.

This view of the policy which prevailed during the dynasty of Tamerlane naturally conducts me to the next, which is the fourth era in this history—I mean the era of the emperor Akber. He was the first of the successors of Tamerlane who obtained possession of Bengal. It is easy to show of what nature his conquest was. It was over the last Mahomedan dynasty. He too, like his predecessor Tamerlane, conquered the prince, not the country. It is a certain mark that it was not a conquered country in the sense in which we commonly call a country conquered,—that the natives, great men and land-holders, continued in every part in the possession of their estates, and of the jurisdictions annexed to them. It is true that in the several wars for the succession to the Mogul empire, and in other of their internal wars, severe revenges were taken, which bore resemblance to those taken in the war of the Roses in this country, where it was the common course, in the heat of blood,—"Off with his head,

so much for Buckingham."—Yet, where the country again recovered its form and settlement, it recovered the spirit of a mild government. Whatever rigour was used with regard to the Mahomedan adventurers from Persia, Turkey, and other parts, who filled the places of servile grandeur in the Mogul court, the Hindoos were a favoured, protected, gently treated people.

The next, which is the fifth era, is a troubled and vexatious period—the era of the independent soubahs of Bengal. Five of these soubahs, or viceroys, governed from about the year 1717, or thereabouts. They grew into independence partly by the calamities and concussions of that empire, which happened during the disputes for the succession of Tamerlane; and partly, and indeed principally, by the great shock which the empire received when Thamas Kouli Khân broke into that country, carried off its revenues, overturned the throne, and massacred not only many of the chief nobility, but almost all the inhabitants of the capital city. This rude shock, which that empire was never able to recover, enabled the viceroys to become independent: but their independence led to their ruin. Those who had usurped upon their masters, had servants who usurped upon them. Allaverdy Khân murdered his master, and opened a way into Bengal for a body of foreign invaders, the Mahrattas, who cruelly harassed the country for several years. Their retreat was at length purchased, and by a sum which is supposed to amount to £5,000,000 sterling. By this purchase he secured the exhausted remains of an exhausted kingdom, and left it to his grandson, Surajah w Dowlah, in peace and poverty. On the fall of Surajah w Dowlah, in 1756, commenced the last, which is the sixth,—the era of the British empire.

On the fifth dynasty I have only to remark to your lordships, that at its close the Hindoo chiefs were almost everywhere found in possession of the country; that though Allaverdy Khân was a cruel tyrant, though he was an untitled usurper, though he racked and tormented the people under his government, urged, however, by an apparent necessity from an invading army of one hundred thousand horse in his dominions; yet under him the rajahs still preserved their rank, their dignity, their castles, their houses, their seigni-

ories, all the insignia of their situation, and always the right, sometimes also the means, of protecting their subordinate people, till the last and unfortunate era of 1756.

Through the whole of this sketch of history I wish to impress but one great and important truth upon your minds; namely, that through all these revolutions in government, and changes in power, an Hindoo polity, and the spirit of an Hindoo government, did more or less exist in that province, with which he was concerned, until it was finally to be destroyed by Mr. Hastings.

My lords, I have gone through all the eras precedent to those of the British power in India, and am come to the first of those eras. Mr. Hastings existed in India, and was a servant of the Company, before that era, and had his education between both. He is an antediluvian with regard to the British dominion in Bengal. He was coëxistent with all the acts and monuments of that revolution, and had no small share in all the abuses of that abusive period which preceded his actual government. But, as it was during that transit from eastern to western power that most of the abuses had their origin, it will not be perfectly easy for your lordships thoroughly to enter into the nature and circumstances of them, without an explanation of the principal events that happened from the year 1756, until the commencement of Mr. Hastings's government; during a good part of which time we do not often lose sight of him. If I find it agreeable to your lordships; if I find that you wish to know these annals of Indian suffering and British delinquency; if you desire that I should unfold the series of the transactions from 1756 to the period of Mr. Hastings's government in 1771;—that you may know how far he promoted what was good; how far he rectified what was evil; how far he abstained from innovation in tyranny, and contented himself with the old stock of abuse;—your lordships will have the goodness to consult the strength which, from late indisposition, begins almost to fail me. And if you think the explanation is not time lost in this new world, and in this new business, I shall venture to sketch out, as briefly and with as much perspicuity as I can give them, the leading events of that obscure and perplexed period which intervened between the British settlement in 1757 and Mr. Hastings's government. If I should be so

happy as to succeed in that attempt, your lordships' minds will be prepared for hearing this cause. Then your lordships will have a clear view of the origin and nature of the abuses which prevailed in that government before Mr. Hastings obtained his greatest power, and since that time; and then we shall be able to enter fully and explicitly into the nature of the cause; and I should hope that it will pave the way, and make everything easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings became active in the service, pretty near the time when he began his political career;—and here, my lords, I pause, wishing your indulgence at such time as will suit your convenience for pursuing the rest of this eventful history.

TRIAL.

FOURTH DAY, 16TH FEBRUARY, 1788.

(MR. BURKE.)

MY LORDS,—In what I had the honour of laying before your lordships yesterday, and in what I may further trouble you with to-day, I wish to observe a distinction, which if I did not lay down so perfectly as I ought, I hope I shall now be able to mark it out with sufficient exactness and perspicuity.

First, I beg leave to observe that what I shall think necessary to state as matter of preliminary explanation, in order to give your lordships a true idea of the scene of action—of the instruments which Mr. Hastings employed—and the effects which they produced—all this I wish to be distinguished from matter brought to criminate. Even the matter as stated by me, which may be hereafter brought to criminate, so far as it falls to my share at present, is only to be considered, in this stage of the business, as merely illustrative. Your lordships are to expect, as undoubtedly you will require, substantial matter of crimination to be laid open for that

purpose, at the moment when the evidence to each charge is ready to be produced to you. Thus your lordships will easily separate historical illustration from criminal opening. For instance, if I stated yesterday to your lordships, as I did, the tyranny and cruelty of one of the usurping viceroys, whose usurpation and whose vices led the way to the destruction of his country, and the introduction of a foreign power —I do not mean to charge Mr. Hastings with any part of that guilt. What bears upon Mr. Hastings is, his having avowedly looked to such a tyrant and such a usurper as his model, and followed that pernicious example with a servile fidelity.

When I have endeavoured to lay open to your lordships anything abusive, or leading to abuse, from defects or errors in the constitution of the Company's service—I did not mean to criminate Mr. Hastings on any part of those defects and errors. I state them to show, that he took advantage of the imperfections of the institution to let in his abuse of the power with which he was intrusted. If, for a further instance, I have stated that in general the service of the India Company was insufficient in legal pay or emolument, and abundant in the means of illegal profit, I do not state that defect as owing to Mr. Hastings. But I state it as a fact, to show in what manner and on what pretences he did, fraudulently, corruptly, and for the purposes of his own ambition, take advantage of that defect; and, under colour of reformation, make an illegal, partial, corrupt rise of emoluments to certain favoured persons, without regard to the interests of the service at large: increasing rather than lessening the means of illicit emolument, as well as loading the Company with many heavy and ruinous expenses in avowed salaries and allowances.

Having requested your lordships to keep in mind—which I trust you would do even without my taking the liberty of suggesting it to you—these necessary distinctions, I shall revert to the period at which I closed yesterday—that great and memorable period which has remotely given occasion to the trial of this day.

My lords, to obtain empire is common: to govern it well has been rare indeed. To chastise the guilt of those who

have been instruments of imperial sway over other nations; by the high superintending justice of the sovereign state, has not many striking examples among any people. Hitherto we have not furnished our contingent to the records of honour. We have been confounded with the herd of conquerors. Our dominion has been a vulgar thing. But we begin to emerge; and I hope that a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power, is a glory reserved to this time, to this nation, and to this august tribunal.

The year 1756 is a memorable era in the history of the world—it introduced a new nation from the remotest verge of the western world, with new manners, new customs, new institutions, new opinions, new laws, into the heart of Asia.

My lords, if in that part of Asia whose native regular government was then broken up; if, at the moment when it had fallen into darkness and confusion, from having become the prey and almost the sport of the ambition of its home-born grandees; if, in that gloomy season, a star had risen from the west, that would prognosticate a better generation, and would shed down the sweet influences of order, peace, science, and security to the natives of that vexed and harassed country; we should have been covered with genuine honour. It would have been a beautiful and noble spectacle to mankind.

Indeed something might have been expected of the kind, when a new dominion emanated from a learned and enlightened part of the world in the most enlightened period of its existence. Still more might it have been expected, when that dominion was found to issue from the bosom of a free country, that it would have carried with it the full benefit of the vital principle of the British liberty and constitution, though its municipal forms were not communicable, or at least the advantage of the liberty and spirit of the British constitution. Had this been the case (alas! it was not); you would have been saved the trouble of this day. It might have been expected too, that in that enlightened state of the world, influenced by the best religion, and from an improved description of that best religion,—I mean the Christian reformed religion,—that we should have done honour to

Europe, to letters, to laws, to religion; done honour to all the circumstances of which in this island we boast ourselves at the great and critical moment of that revolution.

My lords, it has happened otherwise. It is now left for us to repair our former errors. Resuming the history where I broke off yesterday by your indulgence to my weakness,—Surajah Dowla was the adopted grandson of Ally Verdy Cawn, a cruel and ferocious tyrant; the manner of whose acquisition of power I have already stated. He came too young and unexperienced to that throne of usurpation. It was a usurpation yet green in the country, and the country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit, that traditionary opinion, which a long continuance of any system of government secures to it. The only real security which Surajah Dowla's government could possess, was the security of an army. But the great aim of this prince and his predecessor was to supply the weakness of his government by the strength of his purse; he therefore amassed treasures by all ways and on all hands. But, as the Indian princes in general are as unwisely tenacious of their treasure as they are rapacious in getting it, the more money he amassed, the more he felt the effects of poverty. The consequence was, that their armies were unpaid, and being unpaid, or irregularly paid, were undisciplined, disorderly, unfaithful. In this situation, a young prince, confiding more in the appearances than examining into the reality of things, undertook (from motives which the House of Commons with all their industry to discover the circumstances have found it difficult to make out) to attack a little miserable trading fort that we had erected at Calcutta. He succeeded in that attempt, only because success in that attempt was easy. A close imprisonment of the whole settlement followed; not owing, I believe, to the direct will of the prince, but, what will always happen when the will of the prince is but too much the law, to a gross abuse of his power by his lowest servants; by which one hundred and twenty or more of our countrymen perished miserably in a dungeon by a fate too tragical for me to be desirous to relate, and too well known to stand in need of it.

At the time that this event happened, there was at the same time a concurrence of other events, which, from this

partial and momentary weakness, displayed the strength of Great Britain in Asia. For some years before, the French and English troops began, on the coast of Coromandel, to exhibit the power, force, and efficacy of European discipline. As we daily looked for a war with France, our settlements on that coast were in some degree armed. Lord Pigot, then governor of Madras,—Lord Pigot, the preserver, and the victim, of the British dominion in Asia,—detached such of the Company's force as could be collected and spared, and such of his Majesty's ships as were on that station, to the assistance of Calcutta. And to hasten this history to its conclusion,—the daring and commanding genius of Clive,—the patient and firm ability of Watson,—the treachery of Meer Jaffier,—and the battle of Plassey, gave us at once the patronage of a kingdom and the command of all its treasures. We negotiated with Meer Jaffier for the vice-royal throne of his master. On that throne we seated him. And we obtained, on our part, immense sums of money. We obtained £1,000,000 sterling for the Company; upwards of £1,000,000 for individuals: in the whole a sum of about £2,230,000 for various purposes from the prince whom we had set up. We obtained too the town of Calcutta, more completely than we had before possessed it, and the twenty-four districts adjoining. This was the first small seminal principle of the immense territorial acquisitions we have since made in India.

Many circumstances of this acquisition I pass by. There is a sacred veil to be drawn over the beginnings of all governments. Ours, in India, had an origin like those which time has sanctified by obscurity. Time, in the origin of most governments, has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent foundations, in which otherwise the fortune, the genius, the talents, and military virtue of this nation never shone more conspicuously. But, whatever necessity might hide, or excuse, or palliate in the acquisition of power, a wise nation, when it has once made a revolution upon its own principles and for its own ends, rests there. The first step to empire is revolution, by which power is conferred; the next is good laws, good orders, good institutions, to give that power stability. I am sorry to say, that the reverse of this policy was the

principle on which the gentlemen in India acted. It was such as tended to make the new government as unstable as the old. By the vast sums of money acquired by individuals upon this occasion, by the immense sudden prodigies of fortune, it was discovered that a revolution in Bengal was a mine much more easily worked, and infinitely more productive, than the mines of Potosi and Mexico. It was found, that the work was not only very lucrative, but not at all difficult. Where Clive forded a deep water upon an unknown bottom, he left a bridge for his successors, over which the lame could hobble, and the blind might grope their way. There was not at that time a knot of clerks in a counting-house; there was not a captain of a band of ragged topasses, that looked for anything less than the deposition of soubahs and the sale of kingdoms. Accordingly, this revolution, which ought to have precluded other revolutions, unfortunately became fruitful of them; and when Lord Clive returned to Europe to enjoy his fame and fortune in his own country, there arose another description of men, who thought that a revolution might be made upon his revolution, and as lucrative to them as his was to the first projectors. Scarcely was Meer Jaffier, Lord Clive's nabob, seated on his musnud, than they immediately, or in a short time, projected another revolution—a revolution which was to unsettle all the former had settled—a revolution to make way for new disturbances and new wars, and which led to that long chain of peculation which ever since has afflicted and oppressed Bengal.

If ever there was a time when Bengal should have had respite from internal revolutions, it was this. The governor forced upon the natives was now upon the throne. All the great lords of the country, both Gentoos and Mahomedans, were uneasy, discontented, and disobedient; and some absolutely in arms, and refusing to recognise the prince we had set up. An imminent invasion of the Mahrattas, an actual invasion headed by the son of the Mogul, the revenues, on account of the late shock, very ill collected, even where the country was in some apparent quiet, a hungry treasury at Calcutta, an empty treasury at Moorshedabad,—everything demanded tranquillity, and with it order and economy. In this situation it was resolved to make a new and entirely mercenary revolution, and to set up to sale the government,

secured to its present possessor by every tie of public faith, and every sacred obligation which could bind or influence mankind. This second revolution forms that period in the Bengal history which had the most direct influence upon all the subsequent transactions. It introduces some of the persons who were most active in the succeeding scenes, and from that time to this has given its tone and character to the British affairs and government. It marks and specifies the origin and true principle of all the abuses which Mr. Hastings was afterwards appointed to correct, and which the Commons charge that he continued and aggravated—namely, the venal depositions and venal exaltations of the country powers,—the taking of bribes and corrupt presents from all parties in those changes; the vitiating and maiming the Company's records; the suppression of public correspondence; corrupt combinations and conspiracies; perfidy in negotiation established into principle; acts of the most atrocious wickedness justified upon purity of intention; mock trials and collusive acquittals among the parties in common guilt,—and in the end, the court of directors supporting the scandalous breach of their own orders. I shall state the particulars of this second revolution more at large.

Soon after the revolution which had seated Meer Jaffier on the vice-royal throne, the spirit of the Mogul empire began, as it were, to make one faint struggle before it finally expired. The then heir to that throne, escaping from the hands of those who had held his father prisoner, had put himself at the head of several chiefs, collected under the standard of his house, and appeared in force on the frontiers of the provinces of Bengal and Bahar, upon both which he made some impression. This alarmed the new powers, the Nabob Meer Jaffier and the presidency of Calcutta; and as in a common cause, and by the terms of their mutual alliance, they took the field against him. The Nabob's eldest son, and heir-apparent, commanded in chief. Major Calliaud commanded the English forces under the government of Calcutta. Mr. Holwell was in the temporary possession of the presidency. Mr. Vansittart was hourly expected to supersede him. Mr. Warren Hastings, a young gentleman about twenty-seven years of age, was resident for the Company at the durbar, or court, of Meer Jaffier, our new-created Nabob

of Bengal, allied to this country by the most solemn treaties that can bind men, for which treaties he had paid, and was then paying, immense sums of money. Mr. Warren Hastings was the pledge in his hands for the honour of the British nation, and their fidelity to their engagements.

In this situation, Mr. Holwell, whom the terrible example of the black hole at Calcutta had not cured of ambition, thought an hour was not to be lost in accomplishing a revolution, and selling the reigning Nabob.

My lords, there was in the house of Meer Jaffier, in his court, and in his family, a man of an intriguing, crafty, subtile, and at the same time bold, daring, desperate, bloody, and ferocious character, called Cossim Ally Cawn. He was the son-in-law of Meer Jaffier; and he made no other use of this affinity than to find some means to dethrone and to murder him. This was the person in whose school of politics Mr. Hastings made his first studies, and whose conduct he quotes as his example, and for whose friends, agents, and favourites he has always shown a marked predilection. This dangerous man was not long without finding persons who observed his talents with admiration, and who thought fit to employ him.

The council at Calcutta was divided into two departments; one, the council in general, the other, a select committee, which they had arranged for the better carrying on their political affairs. But the select committee had no power of acting wholly without the council at large, at least finally and conclusively. The select committee thought otherwise. Between these litigant parties for power I shall not determine on the merits; thinking of nothing but the use that was made of the power, to whomsoever it belonged. This secret committee, then, without communicating with the rest of the council, formed the plan for a second revolution. But the concurrence of Major Calliaud, who commanded the British troops, was essential to the purpose, as it could not be accomplished without force. Mr. Hastings's assistance was necessary, as it could not be accomplished without treachery.

These are the parties concerned in the intended revolution. Mr. Holwell, who considered himself in possession only of temporary power, was urged to precipitate the business; for if Mr. Vansittart should arrive before his plot could be finally

put into execution, he would have all the leading advantages of it, and Mr. Holwell would be considered only as a secondary instrument. But whilst Mr. Holwell, who originally conceived this plot, urged forward the execution of it, in order that the chief share of the profits might fall to him, the Major, and possibly the resident, held back, till they might receive the sanction of the permanent governor, who was hourly expected, with whom one of them was connected, and who was to carry with him the whole weight of the authority of this kingdom. This difference produced discussions. Holwell endeavoured by his correspondence to stimulate Calliaud to this enterprise, which without him could not be undertaken at all. But Major Calliaud had different views. He concurred inwardly, as he tells us himself, in all the principles of this intended revolution, in the propriety and necessity of it. He only wished delay. But he gave such powerful, solid, and satisfactory reasons, not against the delay, but the very merits of the design itself, exposing the injustice and the danger of it, and the impossibility of mending by it their condition in any respect, as must have damned it in the mind of all rational men. At least it ought to have damned it for ever in his own. But you will see that Holwell persevered in his plan; and that Major Calliaud thought two things necessary: first, not wholly to destroy the scheme, which he tells us he always approved, but to postpone the execution; and, in the mean time, to delude the Nabob by the most strong, direct, and sanguine assurances of friendship and protection that it was possible to give to man.

Whilst the projected revolution stood suspended; whilst Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect; whilst Major Calliaud with this design of ruining the Nabob lodged in his breast, suspended in execution, and condemned in principle, kept the fairest face and the most confidential interviews with that unfortunate prince and his son—as the operations of the campaign relaxed, the army drew near to Moorshedabad, the capital—when a truly extraordinary scene happened, such I am sure the English annals before that time had furnished no example of, nor will, I trust, in future. I shall state it as one piece from beginning to end—reserving the events which

intervened; because, as I do not produce any part of this series for the gratification of historical curiosity, the contexture is necessary to demonstrate to your lordships the spirit of our Bengal politics, and the necessity of some other sort of judicial inquiries than those which that government institute for themselves. The transaction so manifestly marks the character of the whole proceeding, that I hope I shall not be blamed for suspending for a moment the narrative of the steps taken towards the revolution, that you may see the whole of this episode together; that by it you may judge of the causes which led progressively to the state in which the Company's affairs stood when Mr. Hastings was sent for the express purpose of reforming it.

The business I am going to enter into is commonly known by the name of the story of the three seals: it is to be found in the appendix, No. 10, to the first report of the state and condition of the East-India Company, made in 1773. The word report, my lords, is sometimes a little equivocal; and may signify sometimes, not what is made known, but what remains in obscurity; the detail and evidence of many facts referred to in the report being usually thrown into the appendix. Many people, and I among the rest (I take shame to myself for it), may not have fully examined that appendix. I was not a member of either of the India committees of 1773. It is not, indeed, till within this year, that I have been thoroughly acquainted with that memorable history of the three seals.

The history is this: in the year 1760 the allies were in the course of operations against the son of the Mogul, now the present Mogul, who, as I have already stated, had made an irruption into the kingdom of Bahar, in order to reduce the lower provinces to his obedience. The parties opposing him were the Nabob of Bengal and the Company's troops under Major Calliaud. It was whilst they faced the common enemy as one body, this negotiation for the destruction of the Nabob of Bengal by his faithful allies of the Company was going on with diligence. At that time the Nabob's son Meeran, a youth in the flower of his age, bold, vigorous, active; full of the politics in which those who are versed in usurpation are never wanting; commanded the army under his father; but was, in reality, the efficient person in all

things. About the fifteenth of April, 1760, as I have it from Major Calliaud's letter of that date, the Nabob came into his tent; and, with looks of the utmost embarrassment, big with some design, which swelled his bosom, something that was too large and burdensome to conceal, and yet too critical to be told, appeared to be in a state of great distraction. The Major, seeing him in this condition, kindly, gently, like a fast and sure friend, employed (to use his own expression) *some of those assurances that tend to make men fully open their hearts;* and accordingly, fortified by his assurances, and willing to disburden himself of the secret that oppressed him, he opens his heart to the commanding officer of his new friends, allies, and protectors. The Nabob, thus assured, did open himself, and informed Major Calliaud that he had just received a message from the prince, or his principal minister, informing him, that the prince royal, now the Mogul, had an intention (as indeed he rationally might, supposing that we were as well disposed to him as we showed ourselves afterwards) to surrender himself into the hands of him, the Nabob; but at the same time wished, as a guarantee, that the commander-in-chief of the English forces should give him security for his life and his honour, when he should in that manner surrender himself to the Nabob. I do not mean, my lords, by surrendering, that it was supposed he intended to surrender himself prisoner of war; but as a sovereign, dubious of the fidelity of those about him, would put himself into the hands of his faithful subjects, of those who claimed to derive all their power, as both we and the Nabob did, under his authority. The Nabob stated to the English general, that, without this English security, the prince would not deliver himself into his hands. Here he confessed he found a difficulty. For the giving this faith, if it were kept, would defeat his ultimate view, which was, when the prince had delivered himself into his hands, in plain terms, to murder him. This grand act could not be accomplished without the English general. In the first place, the prince, without the English security, would not deliver himself into the Nabob's hands; and afterwards, without the English concurrence, he could not be murdered. These were difficulties that pressed upon the mind of the Nabob.

The English commander heard this astonishing proposition

without any apparent emotion. Being a man habituated to great affairs, versed in revolutions, and with a mind fortified against extraordinary events, he heard it and answered it without showing any signs of abhorrence or detestation; at the same time with a protestation that he would indeed serve him, the Nabob, but it should be upon such terms as honour and justice could support; informing him, that an assurance for the prince's safety could not be given by him until he had consulted Mr. Holwell, who was governor, and his superior. This conversation passed in the morning. On that very morning, and whilst the transaction was hot, Major Calliaud writes to Mr. Holwell an account of it. In his letter he informs him that he made an inquiry, without stating from whom, but that he did inquire the probability of the Nabob's getting possession of the prince from some persons, who assured him that there was no probability of the prince's intention to deliver himself to the Nabob on any terms. Be that as it may, it is impossible not to remark that the whole transaction of the morning of the 15th of April was not very discouraging to the Nabob; not such as would induce him to consider this most detestable of all projects as a thing utterly unfeasible, and as such to abandon it. The evening came on without anything to alter his opinion. Major Calliaud that evening came to the Nabob's tent to arrange some matters relative to the approaching campaign. The business soon ended with regard to the campaign; but the proposal of the morning to Major Calliaud, as might be expected to happen, was in effect renewed. Indeed the form was a little different, but the substantial part remained the same. Your lordships will see what these alterations were.

In the evening scene the persons were more numerous. On the part of the Company, Major Calliaud, Mr. Lushington, Mr. Knox, and the ambassador at the Nabob's court, Mr. Warren Hastings. On the part of the Moorish government, the Nabob himself, his son Meeran, a Persian secretary, and the Nabob's head spy, an officer well known in that part of the world, and of some rank. These were the persons of the drama in the evening scene. The Nabob and his son did not wait for the prince's committing himself to their faith, which, it seems, Major Calliaud did not think likely to happen: so that one act of treachery is saved; but another opened of as

extraordinary a nature. Intent and eager on the execution, and the more certain of their design, they accepted the plan of a wicked wretch, principal servant of the then prime minister to the Mogul, or themselves suggested it to him. A person called Conery, dewan or principal steward to Camgar Khân, a great chief in the service of the shâh zadda, or prince (now the Great Mogul, the sovereign under whom the Company holds their charter), had, it seems, made a proposal to the Nabob, that if a considerable territory, then held by his master, was assured to him, and a reward of a lack of rupees, £10,000 or £12,000, secured to him, he would for that consideration deliver the prince, the eldest son of the Mogul, alive into the hands of the Nabob; or, if that could not be effected, he engaged to murder him for the same reward. But as the assassin could not rely on the Nabob and his son for his reward for this meritorious action, and thought better of English honour and fidelity in such delicate cases, he required that Major Calliaud should set his seal to the agreement. This proposition was made to an English commander; what discourse happened upon it is uncertain. Mr. Hastings is stated by some evidence to have acted as interpreter in this memorable congress. But Major Calliaud agreed to it without any difficulty. Accordingly an instrument was drawn, an indenture tripartite prepared by the Persian secretary, securing to the party the reward of this infamous, perfidious, murderous act. First, the Nabob put his own seal to the murder. The Nabob's son Meeran affixed *his* seal. A third seal, the most important of all, was yet wanting. A pause ensued: Major Calliaud's seal was not at hand; but Mr. Lushington was sent near half a mile to bring it. It was brought, at length; and the instrument of blood and treachery was completely executed. Three seals were set to it.

This business of the three seals, by some means not quite fully explained, but (as suspected by the parties) by means of the information of Mr. Holwell, who soon after came home, was conveyed to the ears of the court of directors. The court of directors wrote out, under date of the 7th of October, 1761, within a little more than a year after this extraordinary transaction, to this effect:—that, in conjunction with the Nabob, Major Calliaud had signed a paper, offering a reward of a lack of rupees, or some such sum, to

several black persons for the assassination of the shâh zadda, or prince heir-apparent; which paper was offered to the then chief of Patna to sign, but which he refused, on account of the infamy of the measure. As it appeared in the same light to them, the directors, they ordered a strict inquiry into it. The India Company, who here did their duty with apparent manliness and vigour, were resolved, however, to do it with gentleness, and to proceed in a manner that could not produce any serious mischief to the parties charged; for they directed the commission of inquiry to the very clan and set of people who, from a participation in their common offences, stood in awe of one another; in effect, to the parties in the transaction. Without a prosecutor, without an impartial director of the inquiry, they left it substantially to those persons to try one another for their common acts. Here I come upon the principle which I wish most strongly to mark to your lordships; I mean collusive trials, and collusive acquittals. When this matter came to be examined, according to the orders of the court, which was on the 4th of October, 1762, the council consisted of Peter Maguire, Warren Hastings, and Hugh Watts. Mr. Hastings had by this time accomplished the business of resident with the Nabob, and had taken the seat, to which his seniority entitled him, in council. Here a difficulty arose *in limine*. Mr. Hastings was represented to have acted as interpreter in this business; he was, therefore, himself an object of the inquisition; he was doubtful as evidence; he was disqualified as a judge. It likewise appeared that there might be some objection to others, whose evidence was wanting, but who were themselves concerned in the guilt. Mr. Lushington's evidence would be useful, but there were two circumstances rather unlucky. First, he had put the seal to the instrument of murder; and secondly, and what was most material, he had made an affidavit at Patna, whilst the affair was green and recent, that he had done so, and in the same affidavit had deposed that Warren Hastings was interpreter in that transaction. Here were difficulties both on him and Mr. Hastings. The question was, how to get Mr. Hastings, the interpreter, out of his interpretation, and to put him upon the seat of judgment. It was effected, however, and the manner in which it was effected was something curious. Mr. Lushington, who by this time

was got completely over, himself tells you, that in conferences with Major Calliaud, and by arguments and reasons by him delivered, he was persuaded to unsay his swearing, and to declare that he believed that the affidavit which he made at Patna, and while the transaction was recent, or nearly recent, must be a mistake; that he *believed* (what is amazing indeed for any belief) that not Mr. Hastings, but he, himself, interpreted. Mr. Lushington completely loses his own memory, and he accepts an offered, a given memory, a memory supplied to him by a party in the transaction. By this operation all difficulties are removed; Mr. Hastings is at once put into the capacity of a judge. He is declared by Mr. Lushington not to have been an interpreter in the transaction. After this, Mr. Hastings is himself examined. Your lordships will look at the transaction at your leisure, and I think you will consider it as a pattern for inquiries of this kind. Mr. Hastings is examined: he does not recollect. His memory also fails on a business in which it is not easy to suppose a man could be doubtful whether he was present or not: he thinks he was not there; for that, if he had been there, and acted as interpreter, he could not have forgot it.

I think it is pretty nearly as I state it; if I have fallen into any error or inaccuracy, it is easily rectified; for here is the state of the transaction given by the parties themselves. On this inaccurate memory of Mr. Hastings, not venturing, however, to say positively that he was not the interpreter, or that he was not present, he is discharged from being an accomplice; he is removed from the bar, and leaps upon the seat of justice. The court thus completed, Major Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back in the manner we have seen, and no one person remains but Captain Knox. Now, if Captain Knox was there and assenting, he is an accomplice too. Captain Knox asserts, that, at the consultation about the murder, he said, it was a pity to cut off so fine a young fellow in such a manner, meaning that fine young fellow the prince, the descendant of Tamerlane, the present reigning Mogul, from whom the Company derive their present charter. The purpose to be served by this declaration, if it had any purpose, was, that Captain Knox did not assent to the murder, and that therefore his evidence might be valid.

The defence set up by Major Calliaud was to this effect. He was apprehensive, he said, that the Nabob was alarmed at the violent designs that were formed against him by Mr. Holwell; and that therefore to quiet his mind (to quiet it by a proposition compounded of murder and treason; an odd kind of mind he had, that was to be quieted by such means!), but to quiet his mind, and to show that the English were willing to go all lengths with him, to sell body and soul to him, he did put his seal to this extraordinary agreement, he put his seal to this wonderful paper. He likewise stated, that he was of opinion at the time that nothing at all sinister could happen from it, that no such murder was likely to take place, whatever might be the intention of the parties. In fact he had very luckily said, in a letter of his written a day after the setting the seal, "I think nothing will come of this matter, but it is no harm to try." This experimental treachery, and these essays of conditional murder, appeared to him good enough to make a trial of; but at the same time he was afraid nothing would come of it. In general, the whole gist of his defence comes to one point, in which he persists,—that, whatever the act might be, his mind is clear—"my hands are guilty, but my heart is free." He conceived that it would be very improper, undoubtedly, to do such an act, if he suspected anything could happen from it; he, however, let the thing out of his own hands; he put it into the hands of others; he put the commission into the hands of a murderer. The fact was not denied—it was fully before these severe judges. The extenuation was the purity of his heart, and the bad situation of the Company's affairs (the perpetual plea, which your lordships will hear of for ever, and which if it will justify evil actions, they will take good care that the most nefarious of their deeds shall never want a sufficient justification). But then he calls upon his life and his character to oppose to his seal; and though he has declared that Mr. Holwell had intended ill to the Nabob, and that he approved of those measures, and only postponed them, yet he thought it necessary, he says, to quiet the fears of the Nabob; and from this motive he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the morning after he signed it: not that he did so; but if he had, I believe it would only have made the thing so many degrees worse.

Your lordships will observe, that in this conference, as stated by himself, these reasons and apologies for it did not appear, nor did they appear in the letter, nor anywhere else, till next year when he came upon his trial. Then it was immediately recollected, that Mr. Holwell's designs were so wicked, they certainly must be known to the Nabob, though he never mentioned them in the conference of the morning or the evening of the 15th; yet such was now the weight and prevalence of them upon the Major's mind, that he calls upon Mr. Hastings to know whether the Nabob was not informed of these designs of Mr. Holwell against him. Mr. Hastings's memory was not quite correct upon the occasion. He does not recollect anything of the matter. He certainly seems not to think that he ever mentioned it to the Nabob, or the Nabob to him; but he does recollect, he thinks, speaking something to some of the Nabob's attendants upon it, and further this deponent sayeth not. On this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nabob in perfect good humour, and removing suspicions from his mind, which suspicions he had never expressed, they came to the resolution I shall have the honour to read to you: "That the representation, given in the said defence, of the state of the affairs of the country at that time (that is, about the month of April, 1760) is true and just [that is, the bad state of the country, which we shall consider hereafter]; that, in such circumstances, the Nabob's urgent account of his own distresses, the colonel's desire of making him easy [for here is a recapitulation of the whole defence], as the first thing necessary for the good of the service, and the suddenness of the thing proposed, might deprive him for a moment of his recollection, and surprise him into a measure which, as to the measure itself, he could not approve. That such only were the motives which did or could influence Colonel Calliaud to assent to the proposal, is fully evinced by the edposition of Captain Knox and Mr. Lushington, that his (*Calliaud's*) *conscience, at the time, never reproached him with a bad design.*"

Your lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to any one's conscience—this is the first time, I believe, it ever appeared in a judicial proceeding. It is natural to say, "my

conscience acquits me of it;" but *they* declare that "*his* conscience never reproached him with a bad design, and therefore, upon the whole, they are satisfied that his intention was good, though he erred in the measure."

I beg leave to state one thing that escaped me, that the Nabob, who was one of the parties to the design, was, at the time of the inquiry, a sort of prisoner or an exile at Calcutta; that his moonshee was there, or might have been had; and that his spy was likewise there: and that they, though parties to this transaction, were never called to account for it in any sense or in any degree, or to show how far it was *necessary* to quiet the Nabob's mind.

The accomplices, by acquitting him upon *their* testimony to his *conscience*, did their business nobly. But the good court of directors, who were so easily satisfied, so ready to condemn at the first proposition, and so ready afterwards to acquit, put the last finishing hand of a master to it. For the accomplices acquit him of evil intentions, and excuse his act. The court of directors, disapproving indeed the measure, but receiving the testimony of his conscience in justification of his conduct, and taking up the whole ground, honourably acquit him, and commend this action as an instance of heroic zeal in their service.

The great end and purpose for which I produce this to your lordships is to show you the necessity there is for other inquiries, other trials, other acquittals of parties, than those made by a collusive clan abroad, or by the directors at home, who had required the parties to inquire of themselves, and to take the testimony of the judges at second-hand, as to the conscience of the party accused, respecting acts which neither they nor any man living can look upon but with horror.

I have troubled your lordships with the story of the three seals, as a specimen of the then state of the service, and the politics of the servants, civil and military, in the horrid abuses which then prevailed, and which render at length the most rigorous reformation necessary.

I close this episode to resume the proceedings at the second revolution. This affair of the three seals was, we have seen, to quiet the fears of the Nabob. His fears it was, indeed, necessary to quiet; for your lordships will see, that the man whose fears were to be set asleep by Major Calliaud's offering

him, in a scheme for murdering his sovereign, an odd sort of opiate, made up of blood and treason, was now in a fair way of being murdered himself by the machinations of him whose seal was set to his murderous security of peace, and by those his accomplices, Holwell and Hastings; at least they resolved to put him in a situation in which his murder was in a manner inevitable, as you will see in the sequel of the transaction. Now the plan proceeds. The parties continued in the camp; but there was another *remora*. To remove a nabob, and to create a revolution, is not easy; houses are strong, who have sons grown up with vigour and fitness for the command of armies. They are not easily overturned by removing the principal, unless the secondary is got rid of: and if this *remora* could be removed, everything was going on in a happy way in the business. This plan, which now (that is, about the month of July) began to get into great ripeness and forwardness, Mr. Holwell urged forward, Mr. Vansittart being hourly expected.

I do not know whether I am going to state a thing, though it is upon the records, which will not have too theatrical an appearance for the grave state in which we are. But here it is—the difficulty, the knot, and the solution, as recorded by the parties themselves. It was the object of this bold, desperate, designing man, Cossim Ally Cawn, who aimed at everything, and who scrupled not to do anything in attaining what he aimed at, to be appointed the lieutenant of the Nabob Jaffier Ally, and thus to get possession of his office during his lifetime under that name, with a design of murdering him; for that office, according to many usages of that country, totally supersedes the authority of the first magistrate, renders him a cypher in his hand, gives the administration of his affairs and command of his troops to the lieutenant. It was a part of his plan, that he was, after his appointment to the lieutenancy, to be named to the succession of the Nabob, who had several other children; but the eldest son stood in the way.

But as things hastened to a crisis, this difficulty was removed in the most extraordinary and providential unheard-of manner, by the most extraordinary event that, I believe, is recorded in history. Just in the nick of time, in the moment of projection, on the 3rd of July, this prince

Meeran, in the flower of his age, bold, active, enterprising, lying asleep in his tent, is suddenly, without any one's knowing it, without any alarm or menace in the heavens, that ever was heard of or mentioned, without any one whatever being hurt or even alarmed in the camp, killed with a flash of lightning. My lords, thus was the Gordian knot cut. This prince dies of a flash of lightning, and Mr. Lushington (of whom you have heard) comes in the morning with his hair standing erect, comes frightened into the presence of Major Calliaud, and, with the utmost alarm, tells him of a circumstance that was afterwards to give them so much pleasure. The alarm was immediately communicated to the Major, who was seized with a fright; and fearing lest the army should mutiny upon the death of their chief, it was contrived, in a manner that I believe was most difficult to contrive, that what might have excited a general mutiny was concealed by the ability, the good conduct, and dexterity of Major Calliaud for seven days together, till he led the army out of the place of danger. Thus a judgment fell upon one of the (innocent) murderers in the scene of the three seals. This man, who was probably guilty in his conscience as well as in act, thus fell by that most lucky, providential, and most useful flash of lightning.

There were at that time, it seems, in Calcutta a wicked sceptical set of people, who somehow or other believed that *human* agency was concerned in this electric flash, which came so very opportunely, and which was a favour so thankfully acknowledged. These wicked ill-natured sceptics disseminated reports (which I am sure I do not mean to charge or prove, leaving the effect of them to you) very dishonourable, I believe, to Cossim Ally Cawn in the business, and to some Englishmen who were concerned.

The difficulty of getting rid of Meeran being thus removed, Mr. Vansittart comes upon the scene. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity which prevailed at that time, or hurried and carried away with it. In a few days he sent for Major Calliaud. All his objections vanish in an *instant;* like that flash of lightning, everything is *instant*. The Major agrees to perform his part. They send for Cossim Ally Cawn and Mr. Hastings, they open a treaty and conclude it

with him, leaving the management of it to two persons, Mr. Holwell and another person, whom we have heard of, an Armenian, called Coja Petruse, who afterwards played his part in another illustrious scene. By this Petruse and Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a secretary of state, the revolution is accomplished. By it Cossim Ally Cawn is to have the lieutenancy at present, and the succession. Everything is put into his hands, and he is to make for it large concessions, which you will hear of afterwards, to the Company. Cossim Ally Cawn proposed to Mr. Holwell, what would have been no bad supplement to the flash of lightning, the murder of the Nabob; but Mr. Holwell was a man of too much honour and conscience to suffer that. He instantly flew out at it, and declared the whole business should stop, unless the affair of the murder was given up. Accordingly, things were so settled. But, if he gave the Nabob over to an intending murderer, and delivered his person, treasure, and everything into his hands, Cossim Ally Cawn might have had no great reason to complain of being left to the execution of his own projects in his own way. The treaty was made, and amounted to this, that the Company was to receive three great provinces; for here, as we proceed, you will have an opportunity of observing, with the progress of these plots, one thing which has constantly and uniformly pervaded the whole of these projects, and which the persons concerned in them have avowed as a principle of their actions—that they were first to take care of the Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and under the shadow of that bribe to take all the little emoluments they could to themselves. Three great rich southern provinces, maritime, or nearly maritime, Burdwan, Midnapore, and Chittagong, were to be dissevered from the soubah and to be ceded to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed, and executed at Calcutta, between these parties with the greatest possible secrecy. The lieutenancy and the succession were secured to Cossim Ally, and he was likewise to give somewhere about the sum of £200,000 to the gentlemen who were concerned, as a reward for serving him so effectually, and for serving their country so well.

Accordingly these stipulations, actual or understood (for they were eventually carried into effect), being settled, a commission of delegation, consisting chiefly of Mr. Vansittart and Major Calliaud, was sent up to Moorshedabad; the new governor taking this opportunity of paying the usual visit of respect to the Nabob, and in a manner which a new governor coming into place would do, with the detail of which it is not necessary to trouble you. Mr. Hastings was at this time at the durbar; and having everything prepared, and the ground smoothed, they first endeavoured to persuade the Nabob to deliver over the power negotiated for into the hands of their friend Cossim Ally Cawn. But when the old man, frightened out of his wits, asked, "What is it he has bid for me?" and added, "I will give half as much again to save myself; pray let me know what my price is;" he entreated in vain. They were true, firm, and faithful to their word and their engagement. When he saw they were resolved that he should be delivered into the hands of Cossim Ally Cawn, he at once surrenders the whole to him. They instantly grasp it. He throws himself into a boat, and will not remain at home an hour, but hurries down to Calcutta to leave his blood at our door, if we should have a mind to take it. But the life of the Nabob was too great a stake, partly as a security for the good behaviour of Cossim Ally Cawn, and still more for the future use that might be made of him, to be thrown away, or left in the hands of a man who would certainly murder him, and who was very angry at being refused the murder of his father-in-law. The price of this second revolution was, according to their shares in it (I believe I have it here), somewhere about £200,000. This little effusion to private interest settled the matter, and here ended the second revolution in the country; effected indeed without bloodshed, but with infinite treachery, with infinite mischief, consequent to the dismemberment of the country, and which had nearly become fatal to our concerns there, like everything else in which Mr. Hastings had any share.

This prince, Cossim Ally Cawn, the friend of Mr. Hastings, knew that those who could give could take away dominion. He had scarcely got upon the throne, procured for him by our public spirit and his own iniquities, than he began directly and instantly to fortify himself, and to bend all his politics

against those who were or could be the donors of such fatal gifts. He began with the natives who were in their interest, and cruelly put to death, under the eye of Mr. Hastings and his clan, all those who, by their monied wealth or landed considerations, could give any effect to their dispositions in favour of those ambitious strangers. He removed from Moorshedabad higher up into the country, to Monghir, in order to be more out of our view. He kept his word pretty well, but not altogether faithfully, with the gentlemen; and though he had no money, for his treasury was empty, he gave obligations, which are known by the name of *Jeeps*—(the Indian vocabulary will by degrees become familiar to your lordships, as we develope the modes and customs of the country). As soon as he had done this he began to rack and tear the provinces that were left to him, to get as much from them as should compensate him for the revenues of those great provinces he had lost; and accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this, because he is one of those persons whose governments Mr. Hastings, in a paper called his defence, delivered in to the House of Commons, has produced as precedents and examples, which he has thought fit to follow, and which he thought would justify him in the conduct he has pursued. This Cossim Ally Cawn, after he had acted the tyrant on the landed interest, fell upon the monied interest. In that country there was a person called Juggut Seit. There were several of the family, who were bankers to such a magnitude as was never heard of in the world. Receivers of the public revenue, their correspondence extended all over Asia; and there are those who are of opinion that the house of Juggut Seit, including all its branches, was not worth less than six or seven millions sterling. This house became the prey of Cossim Ally Cawn; but Mr. Holwell had predicted that it *should be delivered over to Satan to be buffeted* (his own pious expression). He predicted the misfortunes that should befall them; and we chose a Satan to buffet them, and who did so buffet them by the murder of the principal persons of the house, and by robbing them of great sums of their wealth, that I believe such a scene of nefarious tyranny, destroying and cutting up the root of public credit in that country, was scarce ever known. In the mean time Cossim

was extending his tyranny over all who were obnoxious to him; and the persons he first sought were those traitors who had been friends to the English. Several of the principal of these he murdered. There was in the province of Bahar a man named Ramarain; he had got the most positive assurances of English faith; but Mr. Macguire, a member of the council, on the receipt of 5000 gold mohors, or something more than £8000 sterling, delivered him up to be first imprisoned, then tortured, then robbed in consequence of the torture, and finally murdered by Cossim Ally Cawn. In this way Cossim Ally Cawn acted, while our government looked on. I hardly choose to mention to you the fate of a certain native in consequence of a dispute with Mr. Mott, a friend of Mr. Hastings, which is in the Company's records —records which are almost buried by their own magnitude from the knowledge of this country. In a contest with this native for his house and property, some scuffle having happened between the parties, the one attempting to seize, and the other to defend, the latter made a complaint to the Nabob, who was in an entire subjection at that time to the English; and who ordered this unfortunate man, on account of this very scuffle arising from defending his property, to be blown off from the mouth of a cannon. In short, I am not able to tell your lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr. Hastings had set upon the throne of Bengal. But there is a circumstance in this business that comes across here, and will tend to show another grievance that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which, I fear, is not so perfectly extirpated but that some part of its roots may remain in the ground at this moment.

Commerce, which enriches every other country in the world, was bringing Bengal to total ruin. The Company, in former times, when it had no sovereignty or power in the country, had large privileges under their dustuck or permit; their goods passed without paying duties through the country. The servants of the Company made use of this dustuck for their own private trade, which, while it was used with moderation, the native government winked at in some degree; but when it got wholly into private hands, it was more like rob-

bery than trade. These traders appeared everywhere; they sold at their own prices, and forced the people to sell to them at their own prices also. It appeared more like an army going to pillage the people, under pretence of commerce, than anything else. In vain the people claimed the protection of their own country courts. This English army of traders, in their march, ravaged worse than a Tartarian conqueror. The trade they carried on, and which more resembled robbery than commerce, anticipated the resources of the tyrant, and threatened to leave him no materials for imposition or confiscation. Thus this miserable country was torn to pieces by the horrible rapaciousness of a double tyranny. This appeared to be so strong a case, that a deputation was sent to him at his new capital, Monghir, to form a treaty for the purpose of giving some relief against this cruel, cursed, and oppressive trade, which was worse even than the tyranny of the sovereign. This trade Mr. Vansittart, the president about this time, that is, in 1763, who succeeded to Mr. Holwell, and was in close union of interests with the tyrant, Cossim Ally Cawn, by a treaty known by the name of the treaty of Monghir, agreed very much to suppress and to confine within something like reasonable bounds. There never was a doubt on the face of that treaty, that it was a just, proper, fair transaction. But as nobody in Bengal did then believe that rapine was ever forborne, but in favour of bribery, the persons who lost every advantage by the treaty of Monghir, when they thought they saw corrupt negotiation carrying away the prizes of unlawful commerce, and were likely to see their trade crippled by Cossim Ally Cawn, fell into a most violent fury at this treaty; and as the treaty was made without the concurrence of the rest of the council, the Company's servants grew divided, one part were the advocates of the treaty, the other of the trade. The latter were universally of opinion that the treaty was bought for a great sum of money. The evidence we have on our records of the sums of money that are stated to have been paid on this occasion, has never been investigated to the bottom. But we have it on record that a great sum (£70,000) was paid to persons concerned in that negotiation. The rest were exceedingly wroth to see themselves not profiting by the negotiation, and losing the trade, or likely to be excluded from it; and they were the

more so because, as we have it upon our journals, during all that time the trade of the negotiators was not proscribed, but a perwannah was issued by Cossim Ally Cawn, that the trade of his friends, Mr. Vansittart and Mr. Hastings, should not be subject to the general regulations. This filled the whole settlement with ill blood; but in the regulation itself (I put the motive and the secret history out of the case) undoubtedly Mr. Hastings and Mr. Vansittart were on the right side. They had shown to a demonstration the mischief of this trade. However, as the other party were strong, and did not readily let go their hold of this great advantage, first, dissensions, murmurs, various kinds of complaints, and ill blood arose. Cossim Ally was driven to the wall; and, having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ally Cawn signalized his first acts of hostility by an atrocity committed against the faith of treaties, against the rules of war, against every principle of honour. This intended murderer of his father-in-law, whom Mr. Hastings had assisted to raise to the throne of Bengal, well knowing his character and his disposition, and well knowing what such a man was capable of doing, this man massacred the English wherever he met them. There were two hundred or thereabouts of the Company's servants, or their dependants, slaughtered at Patna, with every circumstance of the most abominable cruelty. Their limbs were cut to pieces. The tyrant whom Mr. Hastings set up, cut and hacked the limbs of British subjects in the most cruel and perfidious manner; threw them into wells, and polluted the waters of the country with British blood. Immediately war is declared against him in form. That war sets the whole country in a blaze; and then other parties begin to appear upon the scene, whose transactions you will find yourselves deeply concerned in hereafter.

As soon as war was declared against Cossim, it was necessary to resolve to put up another nabob, and to have another revolution; and where do they resort but to the man, whom, for his alleged tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government, they had dethroned. This very man they take up again to

place on the throne, from which they had about two years before removed him, and for the effecting of which they had committed so many iniquities. Even this revolution was not made without being paid for. According to the usual order of procession, in which the youngest walk first—First comes the Company; and the Company had secured to it in perpetuity those provinces which Cossim Ally Cawn had ceded, as it was thought, rather in the way of mortgage than anything else. Then, under the name of compensation for sufferings to the people concerned in the trade, and in the name of donation to an army and a navy, which had little to do in this affair, they tax him, what sum do you think? They tax that empty and undone treasury of that miserable and undone country, £500,000 for a private emolument to themselves; for the compensation for this iniquitous trade; for the compensation for abuses, of which he was neither the author nor the abettor; they tax this miserable prince £500,000. That sum was given to individuals. Now comes the Company at home, which, on hearing this news, was all inflamed. The directors were on fire. They were shocked at it, and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the mean time the gentlemen did not trouble their heads upon that subject, but meant to exact and get their £500,000 as they could.

Here was a third revolution bought at this amazing sum, and this poor miserable prince first dragged from Moorshedabad to Calcutta, then dragged back from Calcutta to Moorshedabad, the sport of fortune, and the plaything of avarice. This poor man is again set up, but is left with no authority; his troops limited, his person—everything about him in a manner subjugated, a British resident the master of his court; he is set up as a pageant on this throne, with no other authority but what would be sufficient to give a countenance to presents, gifts, and donations. That authority was always left, when all the rest was taken away. One would have thought that this revolution might have satisfied these gentlemen, and that the money gained by it would have been sufficient. No. The partisans of Cossim Ally wanted another revolution. The partisans of the other side wished to have something more done in the present. They now

began to think, that to depose Cossim instantly, and to sell him to another, was too much at one time; especially as Cossim Ally was a man of vigour and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ally, that the lieutenancy, the ministry of the king, was a good thing to be sold, and the sale of that might turn out as good a thing as the sale of the prince. For this office there were two rival candidates, persons of great consideration in Bengal; one, a principal Mahomedan called Mahomed Reza Cawn, a man of high authority,—great piety in his own religion,—great learning in the law,—of the very first class of Mahomedan nobility: but at the same time, on all these accounts, he was abhorred and dreaded by the Nabob, who necessarily feared that a man of Mahomed Reza Cawn's description would be considered as better entitled and fitter for his seat, as Nabob of the provinces.

To balance him, there was another man, known by the name of the Great—Rajah Nundcomar: this man was accounted the highest of his caste, and held the same rank among the Gentoos that Mahomed Reza Cawn obtained among the Mahomedans. The prince on the throne had no jealousy of Nundcomar, because he knew that, as a Gentoo, he could not aspire to the office of soubahdar. For that reason he was firmly attached to him; he might depend completely on his services; he was *his* against Mahomed Reza Cawn, and against the whole world. There was, however, a flaw in the Nabob's title, which it was necessary should be hid. And perhaps it lay against Mahomed Reza Cawn as well as him. But it was a source of apprehension to the Nabob, and contributed to make him wish to keep all Mahomedan influence at a distance. For he was a syed, that is to say, a descendant of Mahomed, and as such, though of the only acknowledged nobility among Mussulmen, would be by that circumstance excluded by the known laws of the Mogul empire from being soubahdar in any of the Mogul provinces, in case the revival of the constitution of that empire should ever again take place.

An auction was now opened before the English council at Calcutta. Mahomed Reza Cawn bid largely; Nundcomar bid largely. The circumstances of these two rivals at the

Nabob court were equally favourable to the pretensions of each. But the preponderating merits of Mahomed Reza Cawn, arising from the subjection in which he was likely to keep the Nabob, and make him fitter for the purpose of continued exactions, induced the council to take his money, which amounted to about £220,000. Be the sum paid what it may, it was certainly a large one. In consequence of which the council attempted to invest Mahomed Reza Cawn with the office of naib soubah, or deputy viceroy. As to Nundcomar, they fell upon him with a vengeful fury: he fought his battle as well as he could; he opposed bribe to bribe, eagle to eagle; but at length he was driven to the wall. Some received his money, but did him no service in return: others, more conscientious, refused to receive it: and in this battle of bribes he was vanquished. A deputation was sent from Calcutta to the miserable Nabob, to tear Nundcomar, his only support, from his side; and to put the object of all his terrors, Mahomed Reza Cawn, in his place.

Thus began a new division, that split the presidency into violent factions; but the faction which adhered to Nundcomar was undoubtedly the weakest. That most miserable of men, Meer Jaffier Ally Cawn, clinging, as to the last pillar, to Nundcomar, trembling at Mahomed Reza Cawn, died in the struggle, a miserable victim to all the revolutions, to all the successive changes and versatile politics at Calcutta. Like all the rest of the great personages whom we have degraded and brutalized by insult and oppression, he betook himself to the usual destructive resources of unprincipled misery—sensuality, opium, and wine. His gigantic frame of constitution soon gave way under the oppression of this relief, and he died, leaving children and grand-children by wives and concubines. On the old Nabob's death Mahomed Reza Cawn was acknowledged deputy nabob, the money paid, and this revolution completed.

Here, my lords, opened a new source of plunder, peculation, and bribery, which was not neglected. Revolutions were no longer necessary, succession supplied their places; and well the object agreed with the policy. Rules of succession could not be very well ascertained to an office like that of the Nabob, which was hereditary only by the appointment of the Mogul. The issue by lawful wives would natur-

ally be preferred by those who meant the quiet of the country. But a more doubtful title was preferred, as better adapted to the purposes of extortion and peculation. This miserable succession was sold, and the eldest of the issue of Munny Begum, an harlot, brought in to pollute the haram of the seraglio, of whom you will hear much hereafter, was chosen. He soon succeeded to the grave. Another son of the same prostitute succeeded to the same unhappy throne, and followed to the same untimely grave. Every succession was sold; and between venal successions and venal revolutions, in a very few years seven princes and six sales were seen successively in Bengal. The last was a minor, the issue of a legitimate wife, admitted to succeed because a minor, and because there was none illegitimate left. He was instantly stripped of the allowance of his progenitors, and reduced to a pension of 160,000 a year. He still exists, and continued to the end of Mr. Hastings's government to furnish constant sources of bribery and plunder to him and his creatures.

The offspring of Munny Begum clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, as they had done from the side of his father, and carried him down as a sort of prisoner to Calcutta; where, having had the weakness to become the first informer, he was made the first example. This person, pushed to the wall, and knowing that the man he had to deal with was desperate and cruel in his resentment, resolves on the first blow, and enters before the council a regular information in writing of bribery against Mr. Hastings. In his preface to that charge he excuses himself for what is considered to be an act equally insane and wicked, and as the one inexpiable crime of an Indian—the discovery of the money he gives;—that Mr. Hastings had declaredly determined on his ruin, and to accomplish it had newly associated himself with one Mohun Persaud, a name I wish your lordships to remember, a bitter enemy of his, an infamous person, whom Mr. Hastings knew to be such, and as such had turned him out of his house; that Mr. Hastings had lately recalled and held frequent communications with this Mohun Persaud, the subject of which he had no doubt was his ruin. In the year 1775 he was hanged by those incorrupt English judges, who were sent to India by parliament to protect the natives from oppression.

Your lordships will observe that this new sale of the office of ministers succeeded to the sale of that of nabobs. All these varied and successive sales shook the country to pieces. As if those miserable exhausted provinces were to be cured of inanition by phlebotomy—while Cossim Ally was racking it above, the Company were drawing off all its nutriment below. A dreadful, and extensive, and most chargeable war followed. Half the northern force of India poured down like a torrent on Bengal, endangered our existence, and exhausted all our resources. The war was the fruit of Mr. Hastings's cabals. Its termination, as usual, was the result of the military merit and the fortune of this nation. Cossim Ally, after having been defeated by the military genius and spirit of England (for the Adamses, Monroes, and others of that period, I believe, showed as much skill and bravery as any of their predecessors), in his flight swept away above three millions in money, jewels, or effects, out of a country which he had plundered and exhausted by his unheard-of exactions. However, he fought his way like a retiring lion, turning his face to his pursuers. He still fought along his frontier. His ability and his money drew to his cause the Soubahdar of Oude, the famous Shuja ul Dowla. The Mogul entered into these wars, and penetrated into the lower provinces on one side, whilst Bulwant Sing, the Rajah of Benares, entered them on another. After various changes of party, and changes of fortune, the loss, which began in the treachery of the civil service, was, as I have before remarked, redeemed by military merit. Many examples of the same sort have since been seen.

Whilst these things were transacted in India, the court of directors in London, hearing of so many changes, hearing of such an incredible mass of perfidy and venality, knowing that there was a general market made of the country and of the Company; that the flame of war spread from province to province; that, in proportion as it spread, the fire glowed with augmented fierceness; and that the rapacity which originally gave rise to it was following it in all its progress; the Company, my lords, alarmed not only for their acquisitions but their existence, and finding themselves sinking lower and lower by every victory they obtained, thought it necessary at length to come to some system and some settlement. After

composing their differences with Lord Clive, they sent him out to that country, about the year 1765, in order, by his name, weight, authority, and vigour of mind, to give some sort of form and stability to government, and to rectify the innumerable abuses which prevailed there; and particularly that great source of disorders, that fundamental abuse—presents: for the bribes, by which all these revolutions were bought, had not the name of conditions, stipulations, or rewards; they even had the free and gratuitous style of presents. The receivers contended, that they were mere gratuities given for service done, or mere tokens of affection and gratitude to the parties. They may give them what names they please, and your lordships will think of them what you please. But they were the donations of misery to power, the gifts of sufferers to the oppressors; and consequently, where they prevailed, they left no certain property or fixed situation to any man in India, from the highest to the lowest.

The court of directors sent out orders to enlarge the servants' covenants, with new and severe clauses, strongly prohibiting the practice of receiving presents. Lord Clive himself had been a large receiver of them. Yet, as it was in the moment of a revolution, which gave them all they possessed, the Company would hear no more of it. They sent him out to reform—whether they chose well or ill, does not signify. I think upon the whole they chose well; because his name and authority could do much. They sent him out to redress the grievances of that country, and it was necessary he should be well armed for that service. They sent him out with such powers as no servant of the Company ever held before. I would not be understood here in my own character, much less in the delegated character in which I stand, to contend for any man in the totality of his conduct. Perhaps in some of his measures he was mistaken, and in some of his acts reprehensible: but justice obliges me to say, that the plan which he formed, and the course which he pursued, were in general great and well imagined; that he laid great foundations, if they had been properly built upon. For, in the first place, he composed all the neighbouring countries, torn to pieces by the wars of Cossim Ally, and quieted the apprehensions raised by the opinion of the boundless ambition of Eng-

land. He took strong measures to put an end to a great many of the abuses that prevailed in the country subject to the Company. He then proceeded to the upper provinces; and formed a plan which, for a military man, has great civil and political merit. He put a bound to the aspiring spirit of the Company's servants; he limited its conquests; he prescribed bounds to its ambition. First (says he) quiet the minds of the country; what you have obtained, regulate; make it known to India, that you resolve to acquire no more. On this solid plan he fixed every prince, that was concerned in the preceding wars, on the one side and on the other, in a happy and easy settlement. He restored Shuja ul Dowla, who had been driven from his dominions by the military arm of Great Britain, to the rank of vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia, he reïnstated this expelled enemy of his nation peaceably upon his throne. And this act of politic generosity did more towards quieting the minds of the people of Asia than all the terror, great as it was, of the English arms. At the same time Lord Clive, generous to all, took peculiar care of our friends and allies. He took care of Bulwant Sing, the great Rajah of Benares, who had taken our part in the war. He secured him from the revenge of Shuja ul Dowla. The Mogul had granted us the superiority over Bulwant Sing. Lord Clive reëstablished him in a secure, easy independency. He confirmed him, under the British guarantee, in the rich principality which he held.

The Mogul, the head of the Mussulman religion in India, and of the Indian empire, a head honoured and esteemed even in its ruins, he procured to be recognised by all the persons that were connected with his empire. The rents, that ought to be paid to the vizier of the empire, he gave to the vizeret. Thus our alliances were cemented; our enemies were reconciled; all Asia was conciliated by our settlement with the king.

To that unhappy fugitive king, driven from place to place, the sport of fortune, now an emperor, and now a prisoner, prayed for in every mosque, in which his authority was conspired against, one day opposed by the coin struck in his name, and the other day sold for it,— to this descendant of

Tamerlane he allotted, with a decent share of royal dignity, an honourable fixed residence, where he might be useful, and could not be dangerous.

As to the Bengal provinces, he did not take for the Company the vice-royalty, as Mr. Holwell would have persuaded, almost forced, the Company to do; but, to satisfy the prejudices of the Mahomedans, the country was left in the hands nominally of the soubah or viceroy, who was to administer the criminal justice and the exterior forms of royalty. He obtained from the sovereign the dewannee. This is the great act of the constitutional entrance of the Company into the body politic of India. It gave to the settlement of Bengal a fixed constitutional form, with a legal title acknowledged and recognised now for the first time by all the natural powers of the country, because it arose from the charter of the undoubted sovereign. The dewannee, or high-stewardship, gave to the Company the collection and management of the revenue; and in this modest and civil character they appeared not the oppressors but the protectors of the people. This scheme had all the real power, without any invidious appearance of it; it gave them the revenue, without the parade of sovereignty. On this double foundation the government was happily settled. The minds of the natives were quieted. The Company's territories and views were circumscribed. The arm of force was put out of sight. The imperial name covered everything. The power of the purse was in the hand of the Company. The power of the sword was in effect so, as they contracted for the maintenance of the army. The Company had a revenue of a million and a half. The Nabob had indeed fallen from any real and effective power, yet the dignity of the court was maintained; the prejudices and interests of the Mahomedans, and particularly of their nobility, who had suffered more by this great revolution even than the old inhabitants of the country, were consulted: for by this plan a revenue of £500,000 was settled on the vice-royalty, which was thus enabled to provide in some measure for those great families. The Company likewise, by this plan, in order to enjoy their revenues securely, and to avoid envy and murmur, put them into the hands of Mahomed Reza Cawn, whom Lord Clive found in the management of affairs, and did not displace; and he was

now made deputy steward to the Company, as he had been before lieutenant-viceroy to the Nabob. A British resident at Moorshedabad was established as a control. The Company exercised their power over the revenue in the first instance through the natives, but the British resident was in reality the great mover.

If ever this nation stood in a situation of glory throughout Asia, it was in that moment. But, as I have said, some material errors and mistakes were committed. After the formation of this plan, Lord Clive unfortunately did not stay long enough in the country to give consistency to the measures of reformation he had undertaken, but rapidly returned to England; and after his departure the government that continued had not vigour or authority to support the settlement then made; and considerable abuses began to prevail in every quarter. Another capital period in our history here commences. Those who succeeded (though I believe one of them was one of the honestest men that ever served the Company, I mean Governor Verelst) had not weight enough to poise the system of the service, and consequently many abuses and grievances again prevailed.—Supervisors were appointed to every district, as a check on the native collectors, and to report every abuse as it should arise. But they, who were appointed to redress grievances, were themselves accused of being guilty of them. However, the disorders were not of that violent kind which preceded Mr. Hastings's departure, nor such as followed his return—no mercenary wars, no mercenary revolutions, no extirpation of nations, no violent convulsions in the revenue, no subversion of ancient houses, no general sales of any descriptions of men—none of these, but certainly such grievances as made it necessary for the Company to send out another commission in 1769, with instructions pointing out the chief abuses. It was composed of Mr. Vansittart, Mr. Ford, and Mr. Scrafton. The unfortunate end of that commission is known to all the world: but I mention it in order to state, that the receipt of presents was considered as one of the grievances which then prevailed in India; and that the supervisors under that commission were ordered upon no account whatever to take presents. Upon the unfortunate catastrophe which happened, the Company was preparing to send out another for the rectification of these

grievances, when parliament thought it necessary to supersede that commission—to take the matter into their own hands, and to appoint another commission in a parliamentary way (of which Mr. Hastings was one) for the better government of that country. Mr. Hastings, as I must mention to your lordships, soon after the deposition and restoration of Jaffier Ally Cawn, and before Lord Clive arrived, quitted for a while the scene in which he had been so mischievously employed, and returned to England to strengthen himself by those cabals which again sent him out with new authority to pursue the courses which were the natural sequel to his former proceedings. He returned to India with great power indeed; first to a seat in council at Fort St. George, and from thence to succeed to the presidency of Fort William. On him the Company placed their chief reliance. Happy had it been for them, happy for India, and for England, if his conduct had been such as to spare your lordships and the Commons the exhibition of this day.

When this government, with Mr. Hastings at the head of it, was settled, Moorshedabad did still continue the seat of the native government, and of all the collections. Here the Company was not satisfied with placing a resident at the Durbar, which was the first step to our assuming the government in that country. These steps must be traced by your lordships, for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps by which the Company's government came to be established, and to supersede the native. The next step was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general council of revenue at Moorshedabad, to superintend the great steward, Mahomed Reza Cawn. In 1772, that council by Mr. Hastings was overturned, and the whole management of the revenue brought to Calcutta. Mahomed Reza Cawn, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles which your lordships will hereafter see; and at last the dewannee was entirely taken out of the native hands, and settled in the supreme council and presidency itself in Calcutta; and so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the supreme council, in

which the orders of the Company, an act of parliament, and their own act had vested it, and put it into a subordinate council—that is, it was entirely vested in himself.

Now your lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity — stated the grounds and principles upon which they were made—stated the abuses that grew upon them—and that every revolution produced its abuse. You saw the native government vanish by degrees, until it was reduced to a situation fit for nothing but to become a private perquisite, as it has been to Mr. Hastings, and to be granted to whom he pleased. The English government succeeded, at the head of which Mr. Hastings was placed by an act of parliament, having before held the office of president of the council—the express object of both these appointments being to redress grievances; and within these two periods of his power, as president and governor-general, were those crimes committed of which he now stands accused. All this history is merely by way of illustration—his crimination begins from his nomination to the presidency; and we are to consider how he comported himself in that station, and in his office of governor-general.

The first thing in considering the merits or demerits of any governor, is to have some test by which they are to be tried. And here, my lords, we conceive, that when a British governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which in all respects intend their conservation, their happiness, and their prosperity. This is the principle upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here.

His rule was, what a British governor, intrusted with the power of this country, was bound to do, or to forbear. If he has performed, and if he has abstained, as he ought, dismiss him honourably acquitted from your bar; otherwise condemn him. He may resort to other principles and to other maxims, but this country will force him to be tried by its laws. The law of this country recognises that well-known crime, called misconduct in office; it is a head of the law of England, and, so far as inferior courts are competent to try it, may be tried in them. Here your lordships' competence is plenary; you are fully competent both to inquire into and

to punish the offence. And, first, I am to state to your lordships, by the direction of those whom I am bound to obey, the principles on which Mr. Hastings declares he has conducted his government; principles, which he has avowed—first, in several letters written to the East-India Company—next, in a paper of defence delivered to the House of Commons, explicitly; and more explicitly in his defence before your lordships. Nothing in Mr. Hastings's proceedings is so curious as his several defences; and nothing in the defences is so singular as the principles upon which he proceeds. Your lordships will have to decide not only upon a large, connected, systematic train of misdemeanours, but an equally connected system of principles and maxims of government invented to justify those misdemeanours. He has brought them forward and avowed them in the face of day. He has boldly and insultingly thrown them in the face of the representatives of a free people, and we cannot pass them by without adopting them.

I am directed to protest against those grounds and principles upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely the foundation, of our charge. My lords, we contend that Mr. Hastings, as a British governor, ought to govern on British principles: not by British forms—God forbid; for, if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into any country. No. We call for that spirit of equity, that spirit of justice, that spirit of protection, that spirit of lenity, which ought to characterize every British subject in power; and on these, and these principles only, he will be tried.

But he has told your lordships, in his defence, that actions in Asia do not bear the same moral qualities which the same actions would bear in Europe.

My lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your lordships know, that these gentlemen have formed a plan of *geographical morality*, by which the duties of men, in public

and in private situations, are not to be governed by their relation to the great Governor of the universe, or by their relation to mankind, but by climates, degrees of longitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial, all the virtues die, as they say some insects die when they cross the line; as if there were a kind of baptism, like that practised by seamen, by which they unbaptize themselves of all that they learned in Europe, and after which a new order and system of things commenced.

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it; and on this point I hope and trust many words will not be necessary to satisfy your lordships. But we think it necessary, in justification of ourselves, to declare, that the laws of morality are the same everywhere; and that there is no action, which would pass for an act of extortion, of peculation, of bribery, and of oppression in England, that is not an act of extortion, of peculation, of bribery, and oppression in Europe, Asia, Africa, and all the world over. This I contend for, not in the technical forms of it, but I contend for it in the substance.

Mr. Hastings comes before your lordships not as a British governor answering to a British tribunal, but as a soubahdar, as a bashaw of three tails. He says, "I had an arbitrary power to exercise: I exercised it. Slaves I found the people; slaves they are, they are so by their constitution; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it, and no other power can be exercised in that country." This, if it be true, is a plea in bar. But I trust and hope your lordships will not judge by laws and institutions which you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your lordships patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles, as well as the actions which are justified on such principles, to your lordships' bar; that it may be known whether the Peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English governor tried before you as a British subject, and yet declaring that he

governed on the principles of arbitrary power. His plea is, that he did govern there on arbitrary and despotic and, as he supposes, oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, the principles and the conduct must be tried together.

If your lordships will now permit me, I will state one of the many places in which he has avowed these principles as the basis and foundation of all his conduct. "The sovereignty which they assumed it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, &c., is not acknowledged or admitted by any act of parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seised of that sovereignty." So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish and well distinguish the learning of this country, is not to know anything of his duty; and whether he was bound by any or what act of parliament, is a thing he is not lawyer enough to know. Now, if your lordships will suffer the laws to be broken by those who are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. He therefore goes to a law he is better acquainted with; that is, the law of arbitrary power and force, if it deserves to be called by the name of law. "If, therefore," says he, "the *sovereignty* of Benares, as ceded to us by the vizier, have *any rights whatever* annexed to it (and be not a mere empty word without meaning), those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of parliament shall positively, or by implication, tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the Company against my con-

sent and opinion (for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise); I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made an uniform compact body by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahomedan conquests."

"The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers but from its visible effects, and those are everywhere the same from Cabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew that, from the history of Asia and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and, as such, exposed to the common lot of his fellows. *The mean and depraved state of a*

mere zemindar is therefore this very dependence above-mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindostanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Ally Verdy Cawn and Cossim Ally fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

My lords, you have now heard the principles on which Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of the mean and depraved state of those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application he makes of it; and you hear the practices which he employs to justify it, and who the persons were on whose authority he relies, and whose example he professes to follow. In the first place, your lordships will be astonished at the audacity with which he speaks of his own administration, as if he was reading a speculative lecture on the evils attendant upon some vicious system of foreign government, in which he had no sort of concern whatsoever. And then, when in this speculative way he has established, or thinks he has, the vices of the government, he conceives he has found a sufficient apology for his own crimes. And if he violates the most solemn engagements, if he oppresses, extorts, and robs, if he imprisons, confiscates, banishes at his sole will and pleasure, when we accuse him for his ill treatment of the people committed to him as a sacred trust, his defence is,—to be robbed, violated, oppressed is their privilege; let the constitution of their country answer for it. —I did not make it for them. Slaves I found them, and as slaves I have treated them. I was a despotic prince; despotic governments are jealous, and the subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign's jealousy; and this is consequent on the political state of Hindostanic gov-

ernments. He lays it down as a rule, that despotism is the genuine constitution of India; that a disposition to rebellion in the subject, or dependent prince, is the necessary effect of this despotism; and that jealousy and its consequences naturally arise on the part of the sovereign;—that the government is everything, and the subject nothing; that the great landed men are in a mean and depraved state, and subject to many evils.

Such a state of things, if true, would warrant conclusions directly opposite to those which Mr. Hastings means to draw from them, both argumentatively and practically, first to influence his conduct, and then to bottom his defence of it.

Perhaps you will imagine, that the man who avows these principles of arbitrary government, and pleads them as the justification of acts which nothing else can justify, is of opinion that they are, on the whole, good for the people over whom they are exercised. The very reverse. He mentions them as horrible things, tending to inflict on the people a thousand evils, and to bring on the ruler a continual train of dangers. Yet he states, that your acquisitions in India will be a detriment instead of an advantage, if you destroy arbitrary power, unless you can reduce all the religious establishments, all the civil institutions, and tenures of land, into one uniform mass; that is, unless by acts of arbitrary power you extinguish all the laws, rights, and religious principles of the people, and force them to an uniformity; and on that uniformity build a system of arbitrary power.

But nothing is more false than that despotism is the constitution of any country in Asia that we are acquainted with. It is certainly not true of any Mahomedan constitution. But if it were, do your lordships really think that the nation would bear, that any human creature would bear, to hear an English governor defend himself on such principles? or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for anything, but by being totally independent of the British government? Here he has declared his opinion, that he is a despotic prince, that he is to use arbitrary power, and of course all his acts are covered with that shield. "*I know*," says he, "*the constitution of Asia only from its practice.*" Will your lordships submit to hear the corrupt practices of

mankind made the principles of government?—No; it will be your pride and glory to teach men intrusted with power, that, in their use of it, they are to conform to principles, and not to draw their principles from the corrupt practice of any man whatever. Was there ever heard, or could it be conceived, that a governor would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, corruptions, briberies, of all the ferocious usurpers, desperate robbers, thieves, cheats, and jugglers, that ever had office from one end of Asia to another, and consolidating all this mass of the crimes and absurdities of barbarous domination into one code, establish it as the whole duty of an English governor? I believe, that till this time so audacious a thing was never attempted by man.—

He have arbitrary power! My lords, the East-India Company have not arbitrary power to give him; the king has no arbitrary power to give him; your lordships have not; nor the Commons; nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, preëxistent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have;—it does not arise from our vain institutions. Every good gift is of God; all power is of God;—and He, who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense; neither he that exercises it, nor

even those who are subject to it: and, if they were mad enough to make an express compact, that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, that covenant would be void. The accepter of it has not his authority increased, but he has his crime doubled. Therefore can it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice?

The title of conquest makes no difference at all. No conquest can give such a right; for conquest, that is force, cannot convert its own injustice into a just title, by which it may rule others at its pleasure. By conquest, which is a more immediate designation of the hand of God, the conqueror succeeds to all the painful duties and subordination to the power of God, which belonged to the sovereign whom he has displaced, just as if he had come in by the positive law of some descent or some election. To this at least he is strictly bound—he ought to govern them as he governs his own subjects. But every wise conqueror has gone much further than he was bound to go. It has been his ambition and his policy to reconcile the vanquished to his fortune, to show that they had gained by the change, to convert their momentary suffering into a long benefit, and to draw from the humiliation of his enemies an accession to his own glory. This has been so constant a practice, that it is to repeat the histories of all politic conquerors in all nations and in all times; and I will not so much distrust your lordships' enlightened and discriminating studies and correct memories, as to allude to one of them. I will only show you, that the court of directors, under whom he served, has adopted that idea, that they constantly inculcated it to him and to all the servants, that they run a parallel between their own and the native government, and supposing it to be very evil, did not hold it up as an example to be followed, but as an abuse to be corrected; that they never made it a

question, whether India is to be improved by English law and liberty, or English law and liberty vitiated by Indian corruption.

No, my lords, this arbitrary power is not to be had by conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, rapine, and violence; neither by compact, covenant, or submission,—for men cannot covenant themselves out of their rights and their duties; nor by any other means can arbitrary power be conveyed to any man. Those who give to others such rights, perform acts that are void as they are given, good indeed and valid only as tending to subject themselves and those who act with them to the Divine displeasure; because morally there can be no such power. Those who give and those who receive arbitrary power are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. It is a crime to bear it, when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to GOD.

Despotism does not in the smallest degree abrogate, alter, or lessen any one duty of any one relation of life, or weaken the force or obligation of any one engagement or contract whatsoever. Despotism, if it means anything that is at all defensible, means a mode of government bound by no written rules, and coerced by no controlling magistracies or well-settled orders in the state. But if it has no written law, it neither does nor can cancel the primeval, indefeasible, unalterable law of nature and of nations; and if no magis-

tracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities. The moment a sovereign removes the idea of security and protection from his subjects, and declares that he is everything, and they nothing, when he declares that no contract he makes with them can or ought to bind him, he then declares war upon them. He is no longer sovereign; they are no longer subjects.

No man, therefore, has a right to arbitrary power. But the thought, which is suggested by the depravity of him who brings it forward, is supported by a gross confusion of ideas and principles, which your lordships well know how to discern and separate. It is manifest, that in the eastern governments, and the western, and in all governments, the supreme power in the state cannot, whilst that state subsists, be rendered criminally responsible for its actions; otherwise it would not be the supreme power. It is certainly true, but the actions do not change their nature by losing their responsibility. The arbitrary acts which are unpunished are not the less vicious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

It is not merely so in this or that government, but in all countries. The king in this country is undoubtedly unaccountable for his actions. The House of Lords, if it should ever exercise (God forbid I should suspect it would ever do what it has never done), but if it should ever abuse its judicial power, and give such a judgment as it ought not to give, whether from fear of popular clamour on the one hand, or predilection to the prisoner on the other,—if they abuse their judgments there is no calling them to an account for it. And so if the Commons should abuse their power,—nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it; there is no punishing them for their acts, because we exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No. Till society fall into a state of dissolution they cannot be accountable for their acts. But it

is from confounding the unaccountable character inherent in the supreme power with arbitrary power that all this confusion of ideas has arisen.

Even upon a supposition that arbitrary power can exist anywhere, which we deny totally, and which your lordships will be the first and proudest to deny, still absolute, supreme dominion was never conferred or delegated by you; much less arbitrary power, which never did in any case, nor ever will in any case, time, or country, produce any one of the ends of just government.

It is true that the supreme power in every constitution of government must be absolute; and this may be corrupted into the arbitrary. But all good constitutions have established certain fixed rules for the exercise of their functions, which they rarely or ever depart from, and which rules form the security against that worst of evils, the government of will and force instead of wisdom and justice.

But though the supreme power is in a situation resembling arbitrary, yet never was there heard of in the history of the world, that is, in that mixed chaos of human wisdom and folly, such a thing as an *intermediate* arbitrary power,—that is, of an officer of government, who is to exert authority over the people without any law at all, and who is to have the benefit of all laws, and all forms of law, when he is called to an account. For that is to let a wild beast (for such is a man without law) loose upon the people to prey on them at his pleasure; whilst all the laws, which ought to secure the people against the abuse of power, are employed to screen that abuse against the cries of the people.

This is *de facto* the state of our Indian government. But to establish it so in right as well as in fact, is a thing left for us to begin with,—the first of mankind.

For a subordinate arbitrary or even despotic power never was heard of in right, claim, or authorized practice. Least of all has it been heard of in the eastern governments, where all the instances of severity and cruelty fall upon governors and persons intrusted with power. This would be a gross contradiction. Before Mr. Hastings none ever came before his superiors to claim it; because, if any such thing could exist, he claims the very power of that sovereign who calls him to account.

But suppose a man to come before us, denying all the benefits of law to the people under him,—and yet, when he is called to account, to claim all the benefits of that law, which was made to screen mankind from the excesses of power: such a claim, I will venture to say, is a monster, that never existed except in the wild imagination of some theorist. It cannot be admitted, because it is a perversion of the fundamental principle, that every power, given for the protection of the people below, should be responsible to the power above. It is to suppose, that the people shall have no laws with regard to *him*, yet when *he* comes to be tried, he shall claim the protection of those laws, which were made to secure the people from his violence; that he shall claim a fair trial, an equitable hearing, every advantage of counsel (God forbid he should not have them), yet that the people under him shall have none of those advantages. The reverse is the principle of every just and rational procedure. For the people, who have nothing to use but their natural faculties, ought to be gently dealt with; but those who are intrusted with an artificial and instituted authority have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their means are infinitely more effectual for mischief by turning the powers given for the preservation of society to its destruction; so that if an arbitrary procedure be justifiable, a strong one I am sure is, it is when used against those who pretend to use it against others.

My lords, I will venture to say of the governments of Asia, that none of them ever had an arbitrary power; and if any governments had an arbitrary power, they cannot delegate it to any persons under them; that is, they cannot so delegate it to others as not to leave them accountable on the principles upon which it was given. As this is a contradiction in terms, a gross absurdity as well as a monstrous wickedness, let me say, for the honour of human nature, that although undoubtedly we may speak it with the pride of England, that we have better institutions for the preservation of the rights of men than any other country in the world; yet I will venture to say, that no country has wholly meant, or ever meant, to give this power.

As it cannot exist in right on any rational and solid principles of government, so neither does it exist in the constitu-

tion of oriental governments, and I do insist upon it that oriental governments know nothing of arbitrary power. I have taken as much pains as I could to examine into the constitutions of them. I have been endeavouring to inform myself at all times on this subject; of late, my duty has led me to a more minute inspection of them, and I do challenge the whole race of man to show me any of the oriental governors claiming to themselves a right to act by arbitrary will.

The greatest part of Asia is under Mohamedan governments. To name a Mohamedan government is to name a government by law. It is a law enforced by stronger sanctions than any law that can bind a Christian sovereign. Their law is believed to be given by God, and it has the double sanction of law and of religion, with which the prince is no more authorized to dispense than any one else. And, if any man will produce the Koran to me, and will but show me one text in it that authorizes in any degree an arbitrary power in the government, I will confess that I have read that book, and been conversant in the affairs of Asia, in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters established throughout all Asia to explain that law, an order of priesthood whom they call *men of the law*. These men are conservators of the law; and, to enable them to preserve it in its perfection, they are secured from the resentment of the sovereign, for he cannot touch them. Even their kings are not always vested with a real supreme power; but the government is in some degree republican.

To bring this point a little nearer home, since we are challenged thus, since we are led into Asia, since we are called upon to make good our charge on the principles of the governments there, rather than on those of our own country (which I trust your lordships will oblige him finally to be governed by, puffed up as he is with the insolence of Asia), the nearest to us of the governments he appeals to is that of the Grand Seignior, the emperor of the Turks.—*He* an arbitrary power! Why he has not the supreme power of his own country. Every one knows that the Grand Seignior is exalted high in *titles*, as our prerogative lawyers exalt an

abstract sovereign, and he cannot be exalted higher in our books. I say he is destitute of the first character of sovereign power. He cannot lay a tax upon his people.

The next part in which he misses of a sovereign power is, that he cannot dispose of the life, of the property, or of the liberty of any of his subjects, but by what is called the *fetfa*, or sentence of the law. He cannot declare peace or war without the same sentence of the law; so much is *he*, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax on his subjects, or declare peace or war, I leave it to your lordships' judgment whether he can be called, according to the principles of that constitution, an arbitrary power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles (unless he happens to be secured by a faction of the soldiery), is liable to be deposed on the sentence of that law, and his successor comes in under the strict limitations of the ancient law of that country: neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. Thus much may be said, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatic sovereigns; and he is more Asiatic than European, he is a Mahomedan sovereign; and no Mahomedan is born who can exercise any arbitrary power at all consistently with their constitution; insomuch that this chief magistrate, who is the highest executive power among them, is the very person who, by the constitution of the country, is the most fettered by law.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The *practice of Asia*, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. The question is, whether you will take the constitution of the country as your rule, or the base practices of those usurpers, robbers, and tyrants, who have subverted it. Undoubtedly much blood, murder, false imprisonment, much peculation, cruelty, and robbery, are to be found in Asia; and if, instead of going to the sacred laws of the country, he chooses to resort to the iniquitous practices of it, and practices author-

ized only by public tumult, contention, war, and riot, he may indeed find as clear an acquittal in the practices as he would find condemnation in the institutions of it. He has rejected the law of England. Your lordships will not suffer it. God forbid! For my part I should have no sort of objection to let him choose his law—Mohamedan, Tartarean, Gentoo. But if he disputes, as he does, the authority of an act of parliament, let him state to me that law to which he means to be subject, or any law, which he knows, that will justify his actions. I am not authorized to say that I shall, even in that case, give up what is not in me to give up, because I represent an authority of which I must stand in awe; but, for myself, I shall confess that I am brought to public shame, and am not fit to manage the great interests committed to my charge. I therefore again repeat of that Asiatic government with which we are best acquainted, which has been constituted more in obedience to the laws of Mahomed than any other,—that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

The next point for us to consider is, whether or no the Mahomedan constitution of India authorizes that power. The gentleman at your lordships' bar has thought proper to say, that it will be happy for India (though soon after he tells you it is a happiness they can never enjoy) "when the despotic Institutes of Genghiz Khân or Tamerlane shall give place to the liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind."

My lords, you have seen what he says about an act of parliament. Do you not now think it rather an extraordinary thing, that any British subject should, in vindication of the authority which he has exercised, here quote the names and institutes, as he calls them, of fierce conquerors, of men who were the scourges of mankind, whose power was a power which they held by force only?

As to the Institutes of Genghiz Khân, which he calls arbitrary institutes, I never saw them. If he has that book, he will oblige the public by producing it. I have seen a book existing, called Yassa of Genghiz Khân; the other I

never saw. If there be any part of it to justify arbitrary power, he will produce it. But, if we may judge by those ten precepts of Genghiz Khân which we have, there is not a shadow of arbitrary power to be found in any one of them. Institutes of arbitrary power! Why, if there is arbitrary power, there can be no institutes.

As to the Institutes of Tamerlane, here they are in their original, and here is a translation. I have carefully read every part of these Institutes; and if any one shows me one word in them in which the prince claims in himself arbitrary power, I again repeat, that I shall for my own part confess that I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious principles of government than this book, called the Institutions of Tamerlane. Nor is there one word of arbitrary power in it, much less of that arbitrary power which Mr. Hastings supposes himself justified by; namely, a delegated, subordinate, arbitrary power. So far was that great prince from permitting this gross, violent, intermediate arbitrary power, that I will venture to say, the chief thing by which he has recommended himself to posterity was a most direct declaration of all the wrath and indignation of the supreme government against it. But here is the book. It contains the Institutes of the founder of the Mogul empire, left as a sacred legacy to his posterity, as a rule for their conduct, and as a means of preserving their power.

"BE it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God that many of my children, descendants, and posterity shall sit upon the throne of power and regal authority; upon this account, having established laws and regulations for the well governing of my dominions, I have collected together those regulations and laws as a model for others; to the end that every one of my children, descendants, and posterity acting agreeably thereto, my power and empire, which I acquired through hardships, and difficulties, and perils, and bloodshed, by the Divine favour and by the influence of the holy religion of Mahomed (God's peace be upon him), and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved.

"And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power which shall descend from me to them may be safe from discord and dissolution.

"Now therefore be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that in like manner as I by twelve maxims, which I established as the rule of my conduct, attained to regal dignity, and with the assistance of these maxims conquered and governed kingdoms, and decorated and adorned the throne of my empire, let them also act according to these regulations, and preserve the splendour of mine and their dominions.

"And among the rules which I established for the support of my glory and empire, the *First* was this—That I promoted the worship of Almighty God, and propagated the religion of the sacred Mahomed throughout the world; and at all times and in all places supported the true faith.

"*Secondly:* With the people of the twelve classes and tribes I conquered and governed kingdoms; and with them I strengthened the pillars of my fortune, and from them I formed my assembly.

"*Thirdly:* By consultation, and deliberation, and provident measures, by caution, and by vigilance, I vanquished armies, and I reduced kingdoms to my authority. And I carried on the business of my empire by complying with times and occasions, and by generosity, and by patience, and by policy; and I acted with courteousness towards my friends and towards my enemies.

"*Fourthly:* By order and by discipline I regulated the concerns of my government; and by discipline and by order I so firmly established my authority, that the ameers, and the viziers, and the soldiers, and the subjects, could not aspire beyond their respective degrees; and every one of them was the keeper of his own station.

"*Fifthly:* I gave encouragement to my ameers and to my soldiers, and with money and with jewels I made them glad of heart; and I permitted them to come into the banquet; and in the field of blood they hazarded their lives. And I withheld not from them my gold nor my silver. And I educated and trained them to arms; and to alleviate their sufferings I myself shared in their labours and in their hard-

ships, until with the arm of fortitude and resolution, and with the unanimity of my chiefs, and my generals, and my warriors, by the edge of the sword I obtained possession of the thrones of seven-and-twenty kings; and became the king and the ruler of the kingdoms of Eracen and of Tooraun; and of Room, and of Mughrib, and of Shaum; and of Missur, and of Erank-a-Arrub, and of Ajjum; and of Mauzinduraun, and of Kylaunaut; and of Shurvaunaut, and of Azzurbauejaun; and of Fauris, and of Khorausaun; and of the Dusht of Jitteh, and the Dusht of Kipchauk; and of Khauruzm, and of Khuttun, and of Kauboolistaun; and of Hindostaun, and of Baukhtur Zemeen.

"And when I clothed myself in the robe of empire, I shut my eyes to safety, and to the repose which is found on the bed of ease. And from the twelfth year of my age I travelled over countries, and combated difficulties, and formed enterprises, and vanquished armies; and experienced mutinies amongst my officers and my soldiers, and was familiarized to the language of disobedience; and I opposed them with policy and with fortitude, and I hazarded my person in the hour of danger; until in the end I vanquished kingdoms and empires, and established the glory of my name.

"*Sixthly:* By justice and equity I gained the affections of the people of God; and I extended my clemency to the guilty as well as to the innocent; and I passed that sentence which truth required: and by benevolence I gained a place in the hearts of men; and by rewards and punishments I kept both my troops and my subjects divided between hope and fear. And I compassionated the lower ranks of my people, and those who were distressed. And I gave gifts to the soldiers.

"And I delivered the oppressed from the hand of the oppressor; and, after proof of the oppression, whether on the property or the person, the decision which I passed between them was agreeable to the sacred law. And I did not cause any one person to suffer for the guilt of another.

"Those who had done me injuries, who had attacked my person in battle, and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness; I conferred on them additional honours, and I drew the pen of oblivion over their evil ac-

tions. And I treated them in such sort, that if suspicion remained in their hearts, it was plucked out entirely.

"*Seventhly:* I selected out, and treated with esteem and veneration, the posterity of the Prophet, and the theologians, and the teachers of the true faith, and the philosophers, and the historians. And I loved men of courage and valour; for God Almighty loveth the brave. And I associated with good and learned men; and I gained their affections, and I entreated their support, and I sought success from their holy prayers. And I loved the dervishes and the poor; and I oppressed them not; neither did I exclude them from my favour. And I permitted not the evil and the malevolent to enter into my council; and I acted not by their advice; and I listened not to their insinuations to the prejudice of others.

"*Eighthly:* I acted with resolution; and on whatever undertaking I resolved, I made that undertaking the only object of my attention; and I withdrew not my hand from that enterprise, until I had brought it to a conclusion. And I acted according to that which I said. And I dealt not with severity towards any one, and I was not oppressive in any of my actions; that God Almighty might not deal severely towards me, nor render my own actions oppressive unto me.

"And I inquired of learned men into the laws and regulations of ancient princes from the days of Adam to those of the Prophet, and from the days of the Prophet down to this time. And I weighed their institutions, and their actions, and their opinions, one by one. And from their approved manners, and their good qualities, I selected models. And I inquired into the causes of the subversion of their power, and I shunned those actions which tend to the destruction and overthrow of regal authority. And from cruelty and from oppression, which are the destroyers of posterity, and the bringers of famine and of plagues, I found it was good to abstain.

"*Ninthly:* The situation of my people was known unto me. And those who were great among them I considered as my brethren; and I regarded the poor as my children. And I made myself acquainted with the tempers and the dispositions of the people of every country and of every city. And I contracted intimacies with the citizens, and the chiefs,

and the nobles; and I appointed over them governors adapted to their manners, and their dispositions, and their wishes. And I knew the circumstances of the inhabitants of every province. And in every kingdom I appointed writers of intelligence, men of truth and integrity, that they might send me information of the conduct, and the behaviour, and the actions, and the manners, of the troops and of the inhabitants, and of every occurrence that might come to pass amongst them. And if I discovered aught contrary to their information, I inflicted punishment on the intelligencer; and every circumstance of cruelty and oppression in the governors, and in the troops, and in the inhabitants, which reached my ears, I chastised agreeably to justice and equity.

"*Tenthly:* Whatever tribe and whatever horde, whether Toork, or Taucheek, or Arrub, or Ajjum, came in unto me, I received their chiefs with distinction and respect, and their followers I honoured according to their degrees and their stations, and to the good among them I did good, and the evil I delivered over to their evil actions.

"And whoever attached himself unto me, I forgot not the merit of his attachment, and I acted towards him with kindness and generosity; and whoever had rendered me services, I repaid the value of those services unto him. And whoever had been my enemy, and was ashamed thereof, and flying to me for protection humbled himself before me, I forgot his enmity, and I purchased him with liberality and kindness.

"In such manner Share Behraum, the chief of a tribe, was along with me. And he left me in the hour of action; and he united with the enemy, and he drew forth his sword against me. And at length, my salt, which he had eaten, seized upon him; and he again fled to me for refuge, and humbled himself before me. As he was a man of illustrious descent, and of bravery, and of experience, I covered my eyes from his evil actions; and I magnified him, and I exalted him to a superior rank, and I pardoned his disloyalty in consideration of his valour.

"*Eleventhly:* My children, and my relations, and my associates, and my neighbours, and such as had been connected with me, all these I distinguished in the days of my fortune and prosperity, and I paid unto them their due. And with respect to my family, I rent not asunder the bands of con-

sanguinity and mercy; and I issued not commands to slay them or to bind them with chains.

"And I dealt with every man, whatever the judgment I had formed of him, according to my own opinion of his worth. As I had seen much of prosperity and adversity, and had acquired knowledge and experience, I conducted myself with caution and with policy towards my friends and towards my enemies.

"*Twelfthly:* Soldiers, whether associates or adversaries, I held in esteem; those who sell their permanent happiness to perishable honour, and throw themselves into the field of slaughter and battle, and hazard their lives in the hour of danger.

"And the man who drew his sword on the side of my enemy, and committed hostilities against me, and preserved his fidelity to his master, him I greatly honoured: and when such a man came unto me, knowing his worth, I classed him with my faithful associates; and I respected and valued his fidelity and his attachment.

"And the soldier who forgot his duty and his honour, and in the hour of action turned his face from his master, and came in unto me, I considered as the most detestable of men.

"And in the war between Touktummish Khaun, his ameers forgot their duty to Touktummish, who was their master and my foe, and sent proposals and wrote letters unto me. And I uttered execrations upon them, because, unmindful of that which they owed their lord, they had thrown aside their honour and their duty, and came in unto me. I said unto myself, what fidelity have they observed to their liege lord? what fidelity will they show unto me?

"And, behold, it was known unto me by experience, that every empire which is not established in morality and religion, nor strengthened by regulations and laws, from that empire all order, grandeur, and power shall pass away. And that empire may be likened unto a naked man, who, when exposed to view, commandeth the eye of modesty to be covered; and it is like unto a house which hath neither roof, nor gates, nor defences, into which whoever willeth may enter unmolested.

"THEREFORE, I established the foundation of my empire on the morality and the religion of Islaum; and by regula-

tions and laws I gave it stability. And by laws and by regulations I executed every business and every transaction that came before me in the course of my government."—

I need not read any further, or I might show your lordships the noble principles, the grand, bold, and manly maxims, the resolution to abstain from oppression himself, and to crush it in the governors under him, to be found in this book, which Mr. Hastings has thought proper to resort to as containing what he calls arbitrary principles.

But it is not in this instance only that I must do justice to the East. I assert that their morality is equal to ours, in whatever regards the duties of governors, fathers, and superiors; and I challenge the world to show, in any modern European book, more true morality and wisdom than is to be found in the writings of Asiatic men in high trust, and who have been counsellors to princes. If this be the true morality of Asia, as I affirm and can prove that it is, the plea founded on Mr. Hastings's geographical morality is annihilated.

I little regard the theories of travellers where they do not relate the facts on which they are founded. I have two instances of facts, attested by Tavernier, a traveller of power and consequence, which are very material to be mentioned here, because they show that in some of the instances recorded, in which the princes of the country have used any of those cruel and barbarous executions which make us execrate them, it has been upon governors who have abused their trust, and that this very oriental authority, to which Mr. Hastings appeals, would have condemned him to a dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is, nor can be, anything like such punishments. God forbid that we should not as much detest out-of-the-way, mad, furious, and unequal punishments, as we detest enormous and abominable crimes; because a severe and cruel penalty for a crime of a light nature is as bad and iniquitous as the crime which it pretends to punish. As the instances I allude to are curious, and as they go to the principles of Mr. Hastings's defence, I shall beg to quote them.

The first is upon a governor, who did, what Mr. Hastings says he has a power delegated to him to do; he levied a

tax without the consent of his master. "Some years after my departure from Com (says *Tavernier*), the governor had, of his own accord, and without any communication with the king, laid a small impost upon every pannier of fruit brought into the city, for the purpose of making some necessary reparations in the walls and bridges of the town. It was towards the end of the year 1632 that the event I am going to relate happened. The king, being informed of the impost which the governor had laid upon the fruit, ordered him to be brought in chains to court. The king ordered him to be exposed to the people at one of the gates of the palace: then he commanded the son to pluck off the mustachios of his father, to cut off his nose and ears, to put out his eyes, and then cut off his head. The king then told the son to go and take possession of the government of his father, saying, *See, that you govern better than this deceased dog, or thy doom shall be a death more exquisitely tormenting.*"

My lords, you are struck with horror, I am struck with horror, at this punishment. I do not relate it to approve of such a barbarous act; but to prove to your lordships, that whatever power the princes of that country have, they are jealous of it to such a degree, that, if any of their governors should levy a tax, even the most insignificant, and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the severity of it shows how little of their power the princes of that country mean to delegate to their servants, the whole of which the gentleman at your bar says was delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understand is a custom admitted throughout Asia in all their governments. It was of a person who was raised to a high office; no business was suffered to come before him without a previous present. "One morning, the king being at this time on a hunting party, the nazar came to the tent of the king, but was denied entrance by the *meter*, or master of the wardrobe. About the same time the king came forth, and, seeing the nazar, commanded his officers to take off the bonnet from the head of that dog, that took gifts from his people; and that he should sit three days bareheaded in the heat of the sun, and as many

nights in the air. Afterwards he caused him to be chained about the neck and arms, and condemned him to perpetual imprisonment, with a mamoudy a day for his maintenance; but he died for grief within eight days after he was put in prison."

Do I mean, by reading this to your lordships, to express or intimate an approbation either of the cruelty of the punishment or of the coarse barbarism of the language? neither one nor the other. I produce it to your lordships to prove to you from this dreadful example the horror which that government felt when any person subject to it assumed to himself a privilege to receive presents. The cruelty and severity exercised by these princes is not levelled at the poor unfortunate people who complain at their gates, but, to use their own barbarous expression, *to dogs that impose taxes and take presents.*—God forbid I should use that language. The people, when they complain, are not called dogs and sent away, but the governors, who do these things against the people; they are called dogs, and treated in that cruel manner. I quote them to show, that no governors in the East, upon any principle of their constitution, or any good practice of their government, can lay arbitrary imposts or receive presents. When they escape it is probably by bribery, by corruption, by creating factions for themselves in the seraglio, in the country, in the army, in the divan. But how they escape such punishments is not my business to inquire; it is enough for me, that the constitution disavows them, that the princes of the country disavow them; that they revile them with the most horrible expressions, and inflict dreadful punishments on them, when they are called to answer for these offences.

Thus much concerning the Mohamedan laws of Asia. That the people of Asia have no laws, rights, or liberty, is a doctrine that wickedly is to be disseminated through this country. But I again assert, every Mahomedan government is by its principles a government of law.

I shall now state, from what is known of the government of India, that it does not and cannot delegate (as Mr. Hastings has frequently declared) the whole of its powers and authority to him. If they are absolute, as they must be in the supreme power, they ought to be arbitrary in none; they

were, however, never absolute in any of their subordinate parts, and I will prove it by the known provincial constitutions of Hindostan, which are all Mohamedan, the laws of which are as clear, as explicit, and as learned as ours.

The first foundation of their law is the Koran. The next part is the *Fetfa*, or adjudged cases by proper authority, well known there. The next, the written interpretations of the principles of jurisprudence; and their books are as numerous upon the principles of jurisprudence as in any country in Europe. The next part of their law is what they call the *Kanon*, that is, a positive rule equivalent to acts of parliament, the law of the several powers of the country, taken from the Greek word KANΩN, which was brought into their country, and is well known. The next is the *Rage ul Mulk*, or common law and custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be administered to the people upon these principles.

The next thing is to show, that in India there is a partition of the powers of the government, which proves that there is no absolute power delegated.

In every province the first person is the soubahdar or nazim, or viceroy: he has the power of the sword, and the administration of criminal justice only. Then there is the dewan, or high steward; he has the revenue, and all exchequer causes under him, to be governed according to the law, and custom, and institutions of the kingdom.

The law of inheritances, successions, and everything that relates to them, is under the câdi, in whose court these matters are tried. But this too was subdivided. The câdi could not judge, but by the advice of his assessors. Properly in the Mahomedan law there is no appeal, only a removal of the cause; but when there is no judgment, as none can be when the court is not unanimous, it goes to the general assembly of all the men of the law.

There are, I will venture to say, other divisions and subdivisions; for there are the kanongoes, who hold their places for life, to be the conservators of the canons, customs, and good usages of the country; all these, as well as the câdi and the mufti, hold their places and situations, not during

the wanton pleasure of the prince, but on permanent and fixed terms, for life. All these powers of magistracy, revenue, and law, are all different, consequently not delegated in the whole to any one person. This is the provincial constitution, and these the laws, of Bengal, which proves, if there were no other proof, by the division of the functions and authorities, that the supreme power of the state in the Mogul empire did by no means delegate to any of its officers the supreme power in its fulness. Whether or no we have delegated to Mr. Hastings the supreme power of king and parliament, that he should act with the plenitude of authority of the British legislature, you are to judge.

Mr. Hastings has no refuge here. Let him run from law to law; let him fly from the common law and the sacred institutions of the country in which he was born; let him fly from acts of parliament, from which his power originated; let him plead his ignorance of them, or fly in the face of them. Will he fly to the Mahomedan law?—that condemns him. Will he fly to the high magistracy of Asia to defend taking of presents? Pad Shâ and the sultan would condemn him to a cruel death. Will he fly to the sophis, to the laws of Persia, or to the practice of those monarchs? I cannot utter the pains, the tortures, that would be inflicted on him, if he were to govern there as he has done in a British province! Let him fly where he will, from law to law;—law (I thank God) meets him everywhere, and enforced too by the practice of the most impious tyrants, which he quotes as if it would justify his conduct. I would as willingly have him tried by the law of the Koran, or the Institutes of Tamerlane, as on the common law or statute law of this kingdom.

The next question is, whether the Gentoo laws justify arbitrary power; and, if he finds any sanctuary there, let him take it, with the cow, in the pagoda. The Gentoos have a law, which positively proscribes in magistrates any idea of will,—a law with which, or rather with extracts of it, that gentleman himself has furnished us. These people in many points are governed by their own ancient written law, called the *Shaster*. Its interpreters and judges are the *pundits*. This law is comprehensive, extending to all the concerns of life, affording principles, and maxims, and legal theories, ap-

plicable to all cases, drawn from the sources of natural equity, modified by their institutions, full of refinement and subtilty of distinction, equal to that of any other law, and has the grand test of all law, that, wherever it has prevailed, the country has been populous, flourishing, and happy.

Upon the whole, then, follow him where you will,—let him have eastern or western law, you find everywhere arbitrary power and peculation of governors proscribed and horribly punished:—more so than I should ever wish to punish any, the most guilty, human creature. And if this be the case, as I hope and trust it has been proved to your lordships, that there is law in these countries, that there is no delegation of power which exempts a governor from the law, then I say at any rate a British governor is to answer for his conduct, and cannot be justified by wicked examples and profligate practices.

But another thing which he says is, that he was left to himself to govern himself by his own practice; that is to say, when he had taken one bribe, he might take another;—when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily, and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers; at last he comes to his own. Now, if your lordships will try him by such maxims and principles, he is certainly clear; for there is no manner of doubt, that there is nothing he has practised once which he has not practised again; and then the repetition of crimes becomes the means of his indemnity.

The next pleas he urges are not so much in bar of the impeachment, as in extenuation. The first are to be laid by as claims to be made on motion for arrest of judgment, the others as an extenuation or mitigation of his fine. He says, and with a kind of triumph, the ministry of this country have great legal assistance; commercial lights of the greatest commercial city in the world; the greatest generals and officers to guide and direct them in military affairs: whereas I, poor man, was sent almost a school-boy from England, or at least little better;—sent to find my way in that new world as well as I could. I had no men of the law, no legal assistance, to supply my deficiencies. At *Sphingem habebas domi.* Had he not the chief justice, the tamed and domesti-

cated chief justice, who waited on him like a familiar spirit, whom he takes from province to province, his amanuensis at home, his postillion and riding express abroad?

Such a declaration would in some measure suit persons who had acted much otherwise than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be an humble, modest, unpresuming ignorance,—an ignorance which may have made him lax and timid in the exercise of his duty;—but an assuming, rash, presumptuous, confident, daring, desperate, and disobedient ignorance heightens every crime that it accompanies. Mr. Hastings, if through ignorance he left some of the Company's orders unexecuted because he did not understand them, might well say, *I was an ignorant man, and these things were above my capacity.* But when he understands them, and when he declares he will not obey them positively and dogmatically,—when he says, as he has said, and we shall prove it, *that he never succeeds better than when he acts in an utter defiance of those orders*, and sets at nought the laws of his country,—I believe this will not be thought the language of an ignorant man. But I beg your lordships' pardon; it is the language of an ignorant man; for no man, who was not full of a bold, determined, profligate ignorance, could ever think of such a system of defence. He quitted Westminster School almost a boy. We have reason to regret that he did not finish his education in that noble seminary, which has given so many luminaries to the church, and ornaments to the state. Greatly it is to be lamented, that he did not go to those universities [where arbitrary power will, I hope, never be heard of; but the true principles of religion, of liberty, and law, will ever be inculcated], instead of studying in the school of Cossim Ally Cawn.

If he had lived with us, he would have quoted the examples of Cicero in his government; he would have quoted several of the sacred and holy prophets, and made *them* his example. His want of learning, profane as well as sacred, reduces him to the necessity of appealing to every name and authority of barbarism, tyranny, and usurpation that are to be found; and from these he says, *from the practice of one part of Asia or other I have taken my rule.* But your lordships will show him, that in Asia, as well as in Europe,

the same law of nations prevails; the same principles are continually resorted to; and the same maxims sacredly held and strenuously maintained; and, however disobeyed, no man suffers from the breach of them, who does not know how and where to complain of that breach;—that Asia is enlightened in that respect as well as Europe; but, if it were totally blinded, that England would send out governors to teach them better; and that he must justify himself to the piety, the truth, the faith of England; and not by having recourse to the crimes and criminals of other countries, to the barbarous tyranny of Asia, or any other part of the world.

I will go further with Mr. Hastings, and admit, that if there be a boy in the fourth form of Westminster School, or any school in England, who does not know, when these articles are read to him, that he has been guilty of gross and enormous crimes, he may have the shelter of his present plea, as far as it will serve him. There are none of us, thank God, so uninstructed, who have learned our catechisms or the first elements of Christianity, who does not know that such conduct is not to be justified, and least of all by examples.

There is another topic he takes up more seriously, and as a general rebutter to the charge;—says he, "After a great many of these practices with which I am charged, parliament appointed me to my trust, and consequently has acquitted me." Has it, my lords? I am bold to say, that the Commons are wholly guiltless of this charge. I will admit, if parliament on a full state of his offences before them, and full examination of those offences, had appointed him to the government, that then the people of India and England would have just reason to exclaim against so flagitious a proceeding. A sense of propriety and decorum might have restrained us from prosecuting. They might have been restrained by some sort of decorum from pursuing him criminally. But the Commons stand before your lordships without shame. First, in their name we solemnly assure your lordships, that we had not in our parliamentary capacity (and most of us—myself, I can say surely, heard very little, and that in confused rumours) the slightest knowledge of any one of the acts charged upon this criminal at either of the times of his being appointed to office; and that we were not guilty of the ne-

farious act of collusion and flagitious breach of trust, with which he presumes obliquely to charge us; but from the moment we knew them, we never ceased to condemn them by reports, by votes, by resolutions; and that we admonished, and declared it to be the duty of the court of directors to take measures for his recall; and when frustrated in the way known to that court, we then proceeded to an inquiry. Your lordships know whether you were better informed. We are, therefore, neither guilty of the precedent crime of colluding with the criminal, nor the subsequent indecorum of prosecuting what we had virtually and practically approved.

Secondly; several of his worst crimes have been committed since the last parliamentary renewal of his trust, as appears by the dates in the charge.

But I believe, my lords, the judges—judges to others, grave and weighty counsellors and assistants to your lordships,—will not on reference assert to your lordships, which God forbid, and we cannot conceive, or hardly state in argument, if but for argument, that if one of the judges had received bribes before his appointment to a higher judiciary office, he would not still be open to prosecution.

So far from admitting it as a plea in bar, we charge, and we hope your lordships will find it an extreme aggravation of his offences, that no favours heaped upon him could make him grateful, no renewed and repeated trusts could make him faithful and honest.

We have now gone through most of the general topics.

But,—he is not responsible, as being thanked by the court of directors. He has had the thanks and approbation of the India Company for his services. We know too well here, I trust the world knows, — and you will always assert, that a pardon from the crown is not pleadable here, that it cannot bar the impeachment of the Commons; much less a pardon of the East-India Company, though it may involve them in guilt, which might induce us to punish them for such a pardon. If any corporation by collusion with criminals refuse to do their duty in coercing them, the magistrates are answerable.

It is the use, virtue, and efficacy of parliamentary judicial procedure, that it puts an end to this dominion of faction, intrigue, cabal, and clandestine intelligences. The acts of men

are put to their proper test, and the works of darkness tried in the face of day—not the corrupted opinions of others on them, but their own intrinsic merits. We charge it as his crime, that he bribed the court of directors to thank him for what they had condemned as breaches of his duty.

The East-India Company, it is true, have thanked him. They ought not to have done it; and it is a reflection upon their character that they did it. But the directors praise him in the gross, after having condemned each act in detail. His actions are *all*, every one, censured one by one as they arise. I do not recollect any one transaction, few there are I am sure, in the whole body of that succession of crimes now brought before you for your judgment, in which the India Company have not censured him. Nay, in one instance he pleads their censure in bar of this trial;[1] for he says, "In that censure I have already received my punishment." If, for any other reasons, they come and say, "We thank you, Sir, for all your services:" To that I answer yes; and *I* would thank him for his services too, if I knew them. But *I* do not;—perhaps *they* do. Let them thank him for those services. I am ordered to prosecute him for these crimes. Here, therefore, we are on a balance with the India Company; and your lordships may perhaps think it some addition to his crimes, that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, particular censure and reprobation of every one of those acts for which he now stands accused.

He says there is the testimony of Indian princes in his favour. But do we not know how seals are obtained in that country? do we not know how those princes are imposed upon? do we not know the subjection and thraldom in which they are held, and that they are obliged to return thanks for the sufferings which they have felt? I believe your lordships will think that there is not, with regard to some of these princes, a more dreadful thing that can be said of them, than that he has obtained their thanks.

I understand he has obtained the thanks of the miserable princesses of Oude, whom he has cruelly imprisoned, whose

[1] See Mr. Hastings's answer to the first charge.

treasure he has seized, and whose eunuchs he has tortured.[1]

They thank him for going away. They thank him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyrics, provided he never came again among them, he might have them. I understand that Mahdajee Scindia has made his panegyric too. Mahdajee Scindia has not made his panegyric for nothing; for, if your lordships will suffer him to enter into such a justification, we shall prove that he has sacrificed the dignity of this country, and the interests of all its allies, to that prince. We appear here neither with panegyric nor with satire; it is for substantial crimes we bring him before you, and amongst others for cruelly using persons of the highest rank and consideration in India; and, when we prove he has cruelly injured them, you will think the panegyrics either gross forgeries or most miserable aggravations of his offences, since they show the abject and dreadful state into which he has driven those people. For, let it be proved that I have cruelly robbed and maltreated any persons, if I produce a certificate from them of my good behaviour, would it not be a corroborative proof of the terror into which those persons are thrown by my misconduct?

My lords, these are, I believe, the general grounds of our charge;—I have now closed completely, and I hope to your lordships' satisfaction, the whole body of history of which I wished to put your lordships in possession. I do not mean, that many of your lordships may not have known it more perfectly by your own previous inquiries; but bringing to your remembrance the state of the circumstances of the persons with whom he acted, the persons and power he has abused,—I have gone to the principles he maintains, the precedents he quotes, the laws and authorities which he refuses to abide by, and those on which he relies, and at last I have refuted all those pleas in bar, on which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or on the corruption of some persons in it. And here I close what I had to say upon this subject; wishing and hoping that when I open before your

[1] A Latin sentence, which was quoted here, is omitted in the MS. of the short-hand writer. *Ed.*

lordships the case more particularly, so as to state rather a plan of the proceeding, than the direct proof of the crimes, your lordships will hear me with the same goodness and indulgence I have hitherto experienced; that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial; but from the sense I feel, that it is the most difficult and the most complicated cause that was ever brought before any human tribunal. Therefore I was resolved to bring the whole substantially before you. And now, if your lordships will permit me, I will state the method of my future proceeding, and the future proceeding of the gentlemen assisting me.

I mean first to bring before you the crimes as they are classed and are of the same species and genus; and how they mutually arose from one another. I shall first show, that Mr. Hastings's crimes had root in that which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vicious system; that he showed it in setting to sale the native government of the country; in setting to sale the whole landed interest of the country; in setting to sale the British government and his own fellow servants, to the basest and wickedest of mankind. I shall then show your lordships, that when, in consequence of such a body of corruption and peculation, he justly dreaded the indignation of his country, and the vengeance of its laws, in order to raise himself a faction, embodied by the same guilt, and rewarded in the same manner, he has with a most abandoned profusion thrown away the revenues of the country to form such a faction here.

I shall next show your lordships, that, having exhausted the resources of the Company, and brought it to extreme difficulties within, he has looked to his *external* resources, as he calls them. He has gone up into the country. I will show, that he has plundered, or attempted to plunder, every person dependent upon, connected, or allied with this country.

We shall afterwards show what infinite mischief has followed in the case of Benares, upon which he first laid his hands; next, in the case of the Begums of Oude.

We shall then lay before you the profligate system by

which he endeavoured to oppress that country, first by residents, next by spies under the name of British agents; and lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country; that him he endeavoured to torture and destroy,—I do not mean in his body, but by exhausting the treasures which he kept for the benefit of his people.

In short, having shown your lordships that no man, who is in his power, is safe from his arbitrary will; that no man, within or without, friend, ally, rival, has been safe from him; having brought it to this point—if I am not able in my own person immediately to go up into the country, and show the ramifications of the system (I hope and trust I shall be spared to take my part in pursuing him through both, if I am not), I shall go at least to the root of it; and some other gentleman, with a thousand times more ability than I possess, will take up each separate part in its proper order. And I believe it is proposed by the managers, that one of them shall, as soon as possible, begin with the affair of Benares.

The point I now mean first to bring before your lordships is the corruption of Mr. Hastings, his system of peculation and bribery; and to show your lordships the horrible consequences which resulted from it: for, at first sight, bribery and peculation do not seem to be so horrid a matter; they may seem to be only the transferring a little money out of one pocket into another; but I shall show, that by such a system of bribery the country is undone.

I shall inform your lordships in the best manner I can, and afterwards submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice which is the security for all the other justice in the kingdom.

TRIAL.

FIFTH DAY, 17TH FEBRUARY, 1788.

(MR. BURKE.)

MY LORDS,—The gentlemen who are appointed by the Commons to manage this prosecution have directed me to inform your lordships, that they have very carefully and attentively weighed the magnitude of the subject which they bring before you, with the time which the nature and circumstances of affairs allow for their conducting it.

My lords, on that comparison they are very apprehensive, that if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do, as all men must do who would manage their affairs practicably, to make our opinion of what might be most advantageous to the business conform to the time that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes: and therefore, my lords, I very willingly fall in with the inclinations of the gentlemen with whom I have the honour to act, to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India; to bring before your lordships the direct articles; to apply the evidence to the articles, and to bring the matter forward for your lordships' decision in that manner which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My lords, these are the opinions of those with whom I have the honour to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find, that in the opinion of others it might militate against

the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governor of Bengal—to show their mutual bearings—how they were mutually aided and grew and were formed out of each other. I proposed first of all to show your lordships, that they have their root in that which is the origin of all evil, avarice and rapacity—to show how that led to prodigality of the public money—and how prodigality of the public money, by wasting the treasures of the East-India Company, furnished an excuse to the Governor-General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependencies of the Company. But I shall be obliged in some measure to abridge this plan; and as your lordships already possess, from what I had the honour to state on Saturday, a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My lords, I have to state to-day the root of all these misdemeanours—namely, the pecuniary corruption and avarice which gave rise and primary motion to all the rest of the delinquencies charged to be committed by the Governor-General.

My lords, pecuniary corruption forms not only, as your lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption. I will venture to say, there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, *arbitrary power*. My lords, if Mr. Hastings had contended, as other men have often done, that the system of government which he patronizes, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a

system. Something might be said to qualify the act from the intention; but it is singular in this man, that at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences. Mr. Hastings foresaw, that the consequences of this system was corruption. An arbitrary system indeed must always be a corrupt one. My lords, there never was a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world; for there never was a man, I believe, who contended for arbitrary power (and there have been persons wicked and foolish enough to contend for it), that did not pretend, either that the system was good in itself, or that by their conduct they had mitigated or had purified it; and that the poison by passing through their constitution had acquired salutary properties. But if you look at his defence before the House of Commons, you will see that that very system upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing that is remarkable and singular in the principles upon which the Governor-General acted, is, that when he is engaged in a vicious system, which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course; they have said, I have been engaged in an evil system, that led indeed to mischievous consequences, but I have taken care by my own virtues to prevent the evils of the system under which I acted.

We say then, not only that he governed arbitrarily, but corruptly, that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of giving and receiving them. We wish your lordships distinctly to consider, that he did not only give and receive bribes accidentally, as it happened, without any system and design, merely

as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings's government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing which distinguishes this nation eminently above another, it is that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them than to any similar offices in any part of the globe, or that have existed at any time; so that he who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things undoubtedly in crimes which make them frightful and odious; but bribery, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent people, this is what makes government itself base, contemptible, and odious in the eyes of mankind.

My lords, it is certain that even tyranny itself may find some specious colour, and appear as more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country, only to promote its ultimate advantage and his own glory. But in the principles of that governor who makes nothing but money his object there can be nothing of this. There are here none of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings's merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing; or by a wise and incorrupt administration of justice? No.—Has he enlarged the

boundary of our government? No; there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done,—money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money; it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, anything like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money; but afterwards there was no mixture at all,—it was, during Mr. Hastings's time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense, you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend that it was obtained from their zeal and affection to our cause, or that it made their submission more complete; very far from it. He says, they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings— pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your lordships, as clearly as I can, what the sense of his employers, the East-India Company, and what the sense of the legislature itself has been upon those merits and demerits of money.

My lords, the Company, knowing that these money trans-

actions were likely to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers under any name or description, except those things which were publicly and openly taken for the use of the Company, namely, *territories* or *sums of money* which might be obtained by treaty. They distinguished such presents as were taken from any persons privately and unknown to them, and without their authority, from subsidies; and that this is the true nature and construction of their order, I shall contend, and explain afterwards to your lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties, by which sums of money may be received, yet they forbid their servants, their governors, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain marked simple sum of money, and this not without the consent and permission of the presidency to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants refused at first to execute them; and suspended the execution of them till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination that the covenants were executed; and they were not executed then without some degree of force. Soon afterwards the treaty was made with the country powers, by which Shuja ul Dowla was reëstablished in the province of Oude, and paid a sum of £500,000 to the Company for it. It was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to put an end to all those examples. The Company did expressly vest him with that power. They declared at that time, that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them;

and these in their turn enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things that distinguished his character. But in his defence we have him quite in another character, no longer the frugal, attentive servant bred to business, bred to book-keeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say, that they know better than he does what his affairs are. He is not like a careful man, bred in a counting-house, and by the directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was then on account of an idea of his great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your lordships the nature of the covenants which the East-India Company sent out: Afterwards, when they found their servants had refused to execute these covenants, they not only very severely reprehended even a moment's delay in their execution, and threatened the exacting the most strict and rigorous performance of them, but they sent a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognising the grievance, and without ordering that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must; for persons at the head of government should not encourage that by example, which they ought by precept, authority, and force to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of parliament took it up: and that act, which gave Mr. Hast-

ings power, did mould in the very first stamina of his power this principle in words the most clear and forcible that an act of parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance, but your lordships will see in the reports of that time, that parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences that followed it.

Now, my lords, every office of trust in its very nature forbids the receipt of bribes. But Mr. Hastings was forbidden it, first by his official situation, next by covenant, and lastly by act of parliament,—that is to say, by all the things that bind mankind, or that can bind them;—first, moral obligation inherent in the duty of their office; next, the positive injunctions of the legislature of the country; and lastly, a man's own private, particular, voluntary act and covenant. These three, the great and only obligations that bind mankind, all united in the focus of this single point—that they should take no presents.

I am to mark to your lordships, that this law and this covenant did consider indirect ways of taking presents—taking them by others, and such like—directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way, because it adds to the crime a false, prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, and it is one of the general complaints of Mr. Hastings, that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct.

But when a governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct.

If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governors, we know very well, cannot with their own hands be continually receiving bribes; for then they must have as many hands as one of the idols in an Indian temple, in order to receive all the bribes which a governor-general may receive; but they have them vicariously. As there are many offices, so he has had various officers, for receiving and distributing his bribes; he has had a great many, some white and some black agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments; they have not the same liberty and boldness of language which characterize Europeans; and they have fears too for themselves, which makes it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country; no two of them hardly appear to be in the secret of any one bribe. He has had likewise his white agents—they were necessary—a Mr. Larkins and a Mr. Crofts. Mr. Crofts was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others that should have had anything to do with bribes, yet these were some of his agents in bribery. There are few instances in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times—that one part was committed to one black secretary, another part to another black secretary. So that it is almost impossible to make up a complete body of all his bribery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

The first act of his government in Bengal was the most bold and extraordinary that I believe ever entered into the head of any man,—I will say, of any tyrant. It was no more

or less than a general (almost exceptless) confiscation, in time of profound peace, of all the landed property in Bengal upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended public, in reality to a private corrupt, auction; and such favoured landholders as came to it were obliged to consider themselves as not any longer proprietors of the estates, but to recognise themselves as farmers under government; and even those few that were permitted to remain on their estates had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers-general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your lordships, that the revenues of Bengal are for the most part territorial revenues, great quit rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest which we shall have to lay before you, shall be brought before your lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption which guided Mr. Hastings's conduct.

When the ancient nobility, the great princes (for such I may call them), a nobility perhaps as ancient as that of your lordships (and a more truly noble body never existed in that character), my lords, when all the nobility, some of whom have borne the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, that is, either given to themselves to hold on the footing of farmers, or totally confiscated; when such an act of tyranny was done, no doubt some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea which always accompanies his acts of oppression, the idea of *monied merit*. He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly he set them up to this wild and wicked auction, as it would have been if it had been a real one—corrupt and treacherous as it was. He set these lands up for the

purpose of making that discovery, and pretended that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found, that there was a defalcation from these monstrous raised revenues, which were to cancel in the minds of the directors the wickedness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years, what do you think was the failure?—No less than £2,050,000. Then a new source of corruption was opened, that is, how to deal with the balances: for every man who had engaged in these transactions was a debtor to government, and the remission of that debt depended upon the discretion of the Governor-General. Then the persons who were to settle the composition of that immense debt, who were to see how much was recoverable, and how much not, were able to favour, or to exact to the last shilling; and there never existed a doubt, but that not only upon the original cruel exaction, but upon the remission afterwards, immense gains were derived. This will account for the manner in which those stupendous fortunes, which astonish the world, have been made. They have been made—first, by a tyrannous exaction from the people who were suffered to remain in possession of their own land as farmers, then by setting the rest to farmers at rents and under hopes which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it some sort of appearance of public good, that is to say, that sort of public good which Mr. Hastings so often professed, of ruining the country for the benefit of the Company; yet in fact this business of balances is that *nidus* in which have been nustled and bred and born all the corruptions of India, —first, by making extravagant demands, and afterwards by making corrupt relaxations of them.

Besides this monstrous failure in consequence of a miserable exaction, by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your lordships come to inquire who the farmers-general of the revenue were, you would naturally expect to find them to be the men in the severa-

countries who had the most interest, the greatest wealth, the best knowledge of the revenue and resources of the country in which they lived. These would be thought the natural, proper farmers-general of each district. No such thing, my lords. They are found in the body of the people whom I have mentioned to your lordships. They were almost all let to Calcutta banyans. Calcutta banyans were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his banyan directly, or some other black persons to represent him. But some have so managed the affair, that when you inquire who the farmer is—Was such a one farmer?—No. Cantoo Baboo?—No. Another?—No. At last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zemindars were dispossessed, the country racked and ruined, for the benefit of an European, under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the banyans, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your lordships are too grave, wise, and discerning, to make it necessary for me to say more upon that subject. Tell me that the banyans of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your lordships for whose benefit they were farmers.

But there is one of these, who comes so nearly, indeed so precisely, within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings's name with any knowledge of Indian connexions, has heard of his banyan Cantoo Baboo. This man is well known in the records of the Company, as his agent for receiving secret gifts, confiscations, and presents. You would have imagined that he would at least have kept *him* out of these farms, in order to give the measure a colour at least of disinter-

estedness, and to show that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governor-General and council made an ostensible order, by which no collector or person concerned in the revenue should have any connexion with these farms. This order did not include the Governor-General in the words of it, but more than included him in the spirit of it; because his power to protect a farmer-general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banyan. You find him the farmer of great, of vast and extensive farms.

Another regulation that was made on that occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid £10,000 a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banyan, finding himself bolder, broke the second too, and, instead of £10,000, gave him farms paying a revenue of £130,000 a year to government. Men undoubtedly have been known to be under the dominion of their domestics: such things have happened to great men; they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know, that a domestic who has served you in a near office long, and in your opinion faithfully, does become a kind of relation: it brings on a great affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindoo servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings's connexion with Cantoo Baboo had been but of a year's standing: he had before served in that capacity

Mr. Sykes, who recommended him to Mr. Hastings. Your lordships then are to judge, whether such outrageous violations of all the principles by which Mr. Hastings pretended to be guided in the settlement of these farms were for the benefit of this old, decayed, affectionate servant of one year's standing; your lordships will judge of that.

I have here spoken only of the beginning of a great notorious system of corruption, which branched out so many ways, and into such a variety of abuses, and has afflicted that kingdom with such horrible evils from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the charge that is now before you; as I believe I need not tell your lordships, that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act but every consequential act, with most grievous and terrible consequences.

My lords, I will now come to a scene of peculation of another kind; namely, a peculation by the direct sale of offices of justice; by the direct sale of the successions of families; by the sale of guardianships, and trusts, held most sacred among the people of India; by the sale of them, not as before to farmers, not, as you might imagine, to near relations of the families, but a sale of them to the unfaithful servants of those families—their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the government, had been the cause of those debts. Those very servants were put in power over their estates, their persons, and their families by Mr. Hastings for a shameful price. It will be proved to your lordships in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have; that is, in the case of those vackiels (as they call them), agents or attornies, who had been sent to assert and support the rights of their miserable masters before the council-general. It will be proved, that these vackiels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of guardianships and other sacred trusts, the selling masters to their servants, and principals to the attornies they employed to defend themselves, were all parts of the

same system; and these were the horrid ways in which he received bribes beyond any common rate.

When Mr. Hastings was appointed, in the year 1773, to be Governor-General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Francis, the Company, knowing the former corrupt state of their service (but the whole corrupt system of Mr. Hastings at that time not being known, or even suspected at home), did order them, in discharge of the spirit of the act of parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your lordships are to know, that the act did expressly authorize the court of directors to frame a body of instructions, and to give orders to their new servants, appointed under the act of parliament, lest it should be supposed that they, by their appointment under the act, could supersede the authority of the directors.

The directors, sensible of the power left in them over their servants by the act of parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order.

The council consisted of two parties; Mr. Hastings and Mr. Barwell, who were chosen and kept there, upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say, that those three gentlemen did so execute their duty in India, in all the substantial parts of it, that they will serve as a shield to cover the honour of England, whenever this country is upbraided in India.

They found a rumour running through the country of great peculations and oppressions. Soon after, when it was known what their instructions were, and that the council was ready, as is the first duty of all governors, even when there is no express order, to receive complaints against the oppressions and corruptions of government in any part of it—they found such a body (and that body shall be produced to your lordships) of corruption and peculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavouring to bring these corruptions before the public, or that he would at least have acted with some little management in his opposition. But alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of corruption, in which the most eminent figure in the crowd, the principal figure as it were in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen who were visible too I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority directly against the majority of the council, directly against his colleagues, directly against the authority of the East-India Company and the authority of the act of parliament, to put a dead stop to all these inquiries. He broke up the council the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your lordships have heard, that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar, who had the management of revenues amounting to £150,000 a year, and who had, if really inclined to play the small game with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character which would at least justify the council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions.

He was therefore perfectly competent to it.—Mr. Hastings has cleared his character; for though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance as an accuser, yet before this he has given this testimony of him, that the hatred that had been drawn upon him, and the general obloquy of the English nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed nor have I the least occasion to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know, associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. He was not only competent, but the most competent of all men to be Mr. Hastings's accuser. But Mr. Hastings has himself established both his character and his competency, by employing him against Mahomed Reza Khân. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahomed Reza Khân, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance, the moment he became accuser against Mr. Hastings? Such was the accuser. He was the man that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable, either on account of the subject-matter or the actor in it? Does such an appointment as that of Munny Begum, in the most barefaced evasion of his orders, appear to your lordships a matter that contains no just presumptions of guilt? so that when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper, that no

man could attribute it to an improper motive? And as to the man, is Mr. Hastings a man against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why therefore should it be held improbable?—But I cannot mention this proceeding without shame and horror.

My lords, when this man appeared as the accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person, who, in one of those sales of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been, cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterwards came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes amounting together to about £40,000 sterling, given by himself, on his own account and that of Munny Begum. The charge was accompanied with every particular, which could facilitate proof or detection, time, place, persons, species, to whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies, and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the council, commands his banyan not to attend. The council, however, goes on, examines to the bottom, and resolves that the charge was proved, and that the money ought to go to the Company. Mr. Hastings then broke up the council, I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt; for a man may use a legal power corruptly, and for the most shameful and detestable pur-

poses. And thus matters continued, till he commenced a criminal prosecution against this man—this man, whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavoured to go round, to come upon his flanks and rear, but never to meet him in the face upon the ground of his accusation, as he was bound by the express authority of law and the express injunctions of the directors to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime—a violation of the orders of the court of directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters (putting the corrupt motive out of the question), I charge him for this disobedience, and especially on account of the principles upon which he proceeded in it.

Then he took another step; he accused Nundcomar of a conspiracy, which was a way he then and ever since has used whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history, that the legislature, not trusting entirely to the governor-general and council, had sent out a court of justice to be a counter-security against these corruptions, and to detect and punish any such misdemeanours as might appear. And this court, I take for granted, has done great services.

Mr. Hastings flew to this court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods which must indispensably be used for the purpose of detecting their guilt; he flew to this court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterwards live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge he knew that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man whom he, Nundcomar, had turned out of doors, called Mohun Persaud.

Mr. Hastings had seen papers put upon the board charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings's associate in plotting his ruin, was now again brought forward as the principal evidence against him. I will not enter (God forbid I should) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connection between Mr. Hastings and the chief justice, which we shall prove. We shall prove that one of the witnesses who appeared there was a person who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find, what is very odd, that in this trial for forgery, with which this man stood charged, forgery in a private transaction, all the persons who were witnesses, or parties to it, had been, before or since, the particular friends of Mr. Hastings;—in short, persons from that rabble with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone—hanged justly if you please; and that it did so happen luckily for Mr. Hastings—it so happened that the relief of Mr. Hastings and the justice of the court, and the resolution never to relax its rigour, did all concur just at a happy nick of time and moment; and Mr. Hastings accordingly had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers—namely, one of his accomplices in guilty actions; one of those persons who may have a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes; and that Mr. Hastings was proved afterwards to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries; they went on at their usual rate, neither more nor less. But it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes that no man in India complains of

him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only defeated but totally vitiated and reversed all the ends for which this country, to its eternal and indelible dishonour, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means by which *he* was removed, a part of the charge was not strangled with him. Whilst the process against Nundcomar was carrying on before Sir Elijah Impey, the process was continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum, to the amount of £15,000, was proved against him; and that a sum, to the same amount, was to be paid to his associate, Mr. Middleton, as it was proved at Calcutta, so it will be proved at your lordships' bar to your entire satisfaction, by records and living testimony now in England. It was indeed obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of £200 sterling a day, whilst he remained at Moorshedabad. My lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly, I hope, render it clear to your lordships that it was not paid in this manner as a daily allowance, but given in a gross sum. But, take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances it was an horrible aggravation of his crime. The first thing that strikes is, that visits from Mr. Hastings are pretty severe things; and hospitality at Moorshedabad is an expensive virtue, though for provision it is one of the cheapest countries in the universe. No wonder that Mr. Hastings lengthened his visit, and made it extend to near three months. Such hosts and such guests cannot be soon parted. £200 a day for a visit! it is at the rate of £73,000 a year for himself; and as I find his companion was put on the same allowance, it will be £146,000 a year for hospitality to two English gentlemen.

I believe that there is not a prince in Europe who goes to such expensive hospitality of splendour. But, that you may judge of the true nature of this hospitality of corruption, I must bring before you the business of the visitor and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing.

He was then at the old capital of Bengal, at the time of this expensive entertainment, on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings's account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that from the collected morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility he gorged his ravenous maw with £200 a day for his entertainment. In the course of all this proceeding your lordships will not fail to observe, he is never corrupt, but he is cruel; he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living struggling prey: he is a vulture, who feeds upon the prostrate, the dying, and the dead. As his cruelty is more shocking than his corruption, so his hypocrisy has something more frightful than his cruelty. For whilst his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm, that bleeds from wounded humanity, into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragic entertainment, this feast of Tantalus. The few left on the pension list, the poor remnants that had escaped, were they paid by his administratrix and deputy Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows of the greatest and most splendid houses of Bengal, came before the council, praying in the most deplorable manner

for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr. Francis,—men who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy,—did, in conformity to the strict orders of the directors, appoint Mahomed Reza Khân to his old offices,—that is, to the general superintendency of the household and the administration of justice,—a person who by his authority might keep some order in the ruling family and in the state. The court of directors authorised them to assure those offices to him, with a salary reduced indeed to £30,000 a year, during his good behaviour. But Mr. Hastings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the court of directors, in spite of the public faith solemnly pledged to Mahomed Reza Khân, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing-girl, Munny Begum, once more to the vice-royalty and all its attendant honours and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive innocence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the vice-royalty. He distributed Mahomed Reza Khân's salary as a spoil.

When the orders of the court to restore Mahomed Reza Khân, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the public faith for his continuance, were received, Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen, uncomplying mood he continues, until, to gratify Mr. Francis in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the court of directors. He grants to his ar-

rangement of convenience what he had refused to his duty, and replaces that magistrate. But mark the double character of the man, never true to anything but fraud and duplicity. At the same time that he publicly replaces this magistrate, pretending compliance with his colleague and obedience to his masters, he did, in defiance of his own and the public faith, privately send an assurance to the Nabob, that is, to Munny Begum, informing her that he was compelled by necessity to the present arrangement in favour of Mahomed Reza Khân; but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption; and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khân from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of resident, a creature of his personal favour, Sir J. Doiley, from whom there is not one syllable of correspondence, and not one item of account. How grievous this yoke was to that miserable captive appears by a paper of Mr. Hastings, in which he acknowledges that the Nabob had offered, out of the £160,000 payable to him yearly, to give up to the Company no less than £40,000 a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your lordships are furnished with a standard by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended residency, and its predatory effects. It will give full credit to what was generally rumoured and believed, that substantially and beneficially the Nabob never received £50 out of the £160,000; which will account for his known poverty and wretchedness, and that of all about him.

Thus by his corrupt traffic of bribes with one scandalous woman he disgraced and enfeebled the native Mahomedan government, captived the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practised by the governor-general, but to all of which he has since been guilty. This will furnish your

lordships with some general idea, which will enable you to judge of the bribe for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khân Jehân Khân, and the modes he took to frustrate all inquiry on that subject upon a wicked and false pretence, that according to his religious scruples he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature, of these crimes, and the means taken to elude their discovery. I am now giving your lordships that general view, which may serve to characterize Mr. Hastings's administration in all the other parts of it.

It was not true in fact (as Mr. Hastings gives out) that there was nothing now against him, and that when he had got rid of Nundcomar and his charge he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterwards from every part of the province; and there was no office in the execution of justice which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very council—he sat at the head of that council and that board where his peculations were proved against him. These were afterwards transmitted, and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, this man is justly taken away, who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid, let us now go into the inquiry. I think he did very ill not to go into the inquiry when the man was

alive; but be it so, that he was afraid of him and waited till he was removed, why not afterwards go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum—of having received from her, or her adopted son, a bribe of £40,000?

Is it fit for a governor to say,—will Mr. Hastings say before this august assembly,—I may be accused in a court of justice, I am upon my defence; let all charges remain against me, I will not give you an account? Is it fit that a governor should sit with recorded bribery upon him at the head of a public board and the government of a great kingdom, when it is in his power by inquiry to do it away? No; the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him, that not only did he suppress the inquiry to the best of his power (and it shall be proved), but he did not in any one instance endeavour to clear off that imputation and reproach from the English government. He went further, he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next to put it to the proof; and lastly to let inquiry freely go on. He did not permit this, but stopped it all in his power. I am to mention some exceptions perhaps hereafter, which will tend to fortify the principle tenfold.

He promised indeed the court of directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all, of them. A man may say, I am threatened with a suit in a court, and it may be very disadvantageous to me if I disclose my defence. That is a proper answer for a man in

common life, who has no particular character to sustain; but is that a proper answer for a governor accused of bribery? that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say, I am upon the defensive? I am on my guard? I will give you no satisfaction? I have promised it, but I have already deferred it for seven or eight years? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers; and as good events do not come alone (I think there is some such proverb), it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; so new evidence came in; and Mr. Hastings enjoyed that happy repose which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous, firm mind often to despise common, vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man—much less a great man—to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the authority of an act of parliament, under every sanction of public faith, yet in consequence of those charges every person concerned in them has been, as your lordships will see, since his restoration to power, absolutely undone; brought from the highest situation to the lowest misery; so that they may have good reason to repent they ever trusted an English council, that they ever trusted a court of directors, that they ever trusted an English act of parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that by never taking a single step to defeat or detect the falsehood of any of those charges against him, and by punishing the authors of them, he has been guilty of such a subversion of all the principles of British government as will deserve and will, I dare say, meet your lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history, as if pages were torn out. No longer we meet with the same activity in taking money that was before found; not even a trace of complimentary presents is to be found in the records during the time whilst General Clavering, Colonel Monson, and Mr. Francis formed the majority of the council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, peculation began again just at the same instant; the moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his peculation again.

My lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governors there. There was, however, an universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved then to change the whole course and order of his proceeding. Nothing could persuade him upon any account to lay aside his system of bribery; that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it, and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have already mentioned, namely, the deputy-treasurer and the accomptant, paying them in and taking bonds for them as money of his own, and bearing legal interest.

This was his method of endeavouring to conceal some at least of his bribes (for I would not suggest, nor have your lordships to think, that I believe that these were his only bribes; for there is reason to think there was an infinite

number besides); but it did so happen that they were those bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a parliamentary inquiry.

Mr. Hastings said he might have concealed them for ever. Every one knows the facility of concealing corrupt transactions everywhere, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion. For he tells you in his letter from Cheltenham that he *would* have concealed the Nabob's £100,000, but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony; Middleton knew nothing of it; Anderson knew nothing of it. It was not directly communicated to the faithful Larkins or the trusty Croftes—which proves indeed the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes which I have hitherto brought before your lordships belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it.

There are many other bribes which we charge him with having received during this first period, before an improving conversation and close virtuous connection with great lawyers had taught him how to practise bribes in such a manner as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency in guilt; it is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the public accounts, was this:—From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew that a few of his former bribes had been discovered, declared, recorded; that for the moment indeed he was secure, because all informers had been punished, and all concealers rewarded. He expected hourly a total change in the

council; and that men like Clavering and Monson might be again joined to Francis; that some great avenger should arise from their ashes,—"*Exoriare aliquis nostris ex ossibus ultor*,"—and that a more severe investigation and an infinitely more full display would be made of his robbery than hitherto had been done. He therefore began in the agony of his guilt to cast about for some device by which he might continue his offence, if possible, with impunity,—and possibly make a merit of it. He therefore first carefully perused the act of parliament forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an act was studiously and carefully framed to prevent bribery, it is that law of the thirteenth of the king, which, he well observes, admits no latitude of construction, no subterfuge, no escape, no evasion. Yet has he found a defence of his crimes even in the very provisions which were made for their prevention and their punishment. Besides the penalty which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands which held them. The covenant, with an exception of £100, and the act of parliament without any exception, declared that the governor-general and council should receive no presents *for their own use*. He therefore concluded that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation that they should be privately applied to the Company's service, in any way the briber should think fit; and that on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private bribe exchequer, collateral with, and independent of, the Company's public exchequer, though in some cases administered by those whom for his purposes he had placed in the regular official department. It is no wonder that he has taken to himself an extraordinary degree of merit. For surely such an invention of finance I believe never was heard of,—an exchequer wherein extortion was the assessor, fraud the cashier, confusion the accomptant, concealment the re-

porter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into phrenzy, could ever have dreamed of.

He treats the official and regular directors with just contempt, as a parcel of mean, mechanical book-keepers. He is an eccentric book-keeper, a Pindaric accomptant. I have heard of "the poet's eye in a fine phrenzy rolling." Here was a revenue, exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for or not at his discretion, and to be applied to what service he thought proper. I do believe your lordships stand astonished at this scheme; and indeed I should be very loath to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with the directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard of and unexampled in the world, I shall first endeavour to account, as well as I can, for his motives to it, which your lordships will receive or reject, just as you shall find them tally with the evidence before you. I say his motives to it, because I contend that public valid reasons for it he could have none: and the idea of making the corruption of the governor-general a resource to the Company never did or could for a moment enter into his thoughts.—I shall then take notice of the juridical constructions upon which he justifies his acting in this extraordinary manner.—And, lastly, show you the concealments, prevarications, and falsehoods, with which he endeavours to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors that there were certain sums of money he had received, and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or

pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found that no money could be legally received for his own use; but as these bribes were directly given and received as for his own use, yet (says he) there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them.

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was accused as a peculator; he did not deny the fact; he did not refund the money; he fought it off; he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption,—a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded,—the effect of subtilty. He appears no longer as a defendant; he holds himself up with a firm, dignified, and erect countenance, and says, I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No, I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government.

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horror, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality, and peculation are offences of turpitude, such as in a governor at once debase the person and degrade the government itself, making it not only *horrible* but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt he comes here not as a criminal on his defence, but as a vast fertile genius, who has made astonishing discoveries in the art of government; —"*Dicam insigne, recens, alio indictum ore*"—who, by his flaming zeal and the prolific ardour and energy of his mind, has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he gener-

ously communicates, for the benefit of all future governors and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but if we do not take good care he will not be the last, that has established the corruption of the supreme magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit that ever was made in the treasury of Bengal. He claims glory and renown from that by which every other person since the beginning of time has been dishonoured and disgraced. It has been said of an ambassador, that he is a person employed to tell lies for the advantage of the court that sends him. His is patriotic bribery and public-spirited corruption. He is a peculator for the good of his country. It has been said that private vices are public benefits. He goes the full length of that position, and turns his private peculation into a public good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail; he steals, he filches, he plunders, he oppresses, he exhorts—all for the good of the dear East India Company—all for the advantage of his honoured masters, the proprietors—all in gratitude to the dear perfidious court of directors, who have been in a practice to heap "insults on his person, slanders on his character, and indignities on his station; who never had the confidence in him that they had in the meanest of his predecessors."

If you sanction this practice, if, after all you have exacted from the people by your taxes and public imposts, you are to let loose your servants upom them to extort by bribery and peculation what they can from them, for the purpose of applying it to the public service only whenever they please, this shocking consequence will follow from it. If your governor is discovered in taking a bribe, he will say, What is that to you? mind your business; I intend it for the public service. The man who dares to accuse him loses the favour of the governor-general and the India Company. They will say, the governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him. So that the moment the bribe is detected it is instantly turned into a merit; and we

shall prove that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your lordships, that, when he made these great discoveries to the court of directors, he never tells them who gave him the money; upon what occasion he received it; by what hands; or to what purposes he applied it.

When he can himself give no account of his motives, and even declares that he cannot assign any cause, I am authorized and required to find motives for him—corrupt motives for a corrupt act. There is no one capital act of his administration that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errors, or even crimes, of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption that every other irregular act, by which unlawful gain may arise, is done upon the same corrupt motive. *Semel malus præsumitur semper malus.* As for good acts candour, charity, justice, oblige me not to assign evil motives, unless they serve some scandalous purpose, or terminate in some manifest evil end,—so justice, reason, and common sense compel me to suppose that wicked acts have been done upon motives correspondent to their nature. Otherwise I reverse all the principles of judgment which can guide the human mind, and accept even the symptoms, the marks, and criteria of guilt, as presumptions of innocence. One that confounds good and evil is an enemy to the good.

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational thing; it distorts all the faculties of the mind, it perverts them, it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt, as all those who are used to sit in the seat of judgment know have been the cause of detection of half the villanies in the world. To argue that these could not be his reasons, because they were not wise, sound, and substantial, would be to suppose, what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives, which may

affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft, and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational and well-fitted for their purposes, I am very ready to admit. For God forbid that guilt should ever leave a man the free, undisturbed use of his faculties. For as guilt never rose from a true use of our rational faculties, so it is very frequently subversive of them. God forbid that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices.—No; it takes the lead, and is never found where justice does not accompany it; and, if ever it is attempted to bring it into the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place I am to remark to your lordships, that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one want more reason, to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcilable with each other. He is asked, How came you to take bonds for this money if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to state yourself a lender to the Company, when in reality you was their debtor? His answer was, I really cannot tell; I have forgot my reasons; the distance of time is so great (namely, a time of about two years, or not so long), I cannot give an account of the matter; perhaps I had this motive; perhaps I had another; (but what is the most curious) perhaps I had none at all which I can now recollect. You shall hear the account which Mr. Hastings himself gives, his own fraudulent representation of these corrupt transactions. "For my motives for withholding the several receipts from the knowledge of the council or of the court of directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the honourable the court of directors

of the 22d of May, 1782, namely, that I either choose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory, at that distance of time, could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

My lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company—gentle hints, *gemitus columbæ*—rather little amorous complaints, that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India, the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and which was to be sanctified by the future application of it, taking false securities to cover it; and who, when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India, nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption, and peculation. My lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the country under contribution, to bring the

whole into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown amongst the mass of his corruptions, that he let the whole of the lands to farm to the banyans. Next, that he sold the whole Mahomedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change, in 1772, I am to tell your lordships, that he had appointed six provincial councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These provincial councils accounted to the governor-general and council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr. Hastings did in several papers to the court of directors declare, that the establishment of these provincial councils, which at first he stated only as experimental, had proved useful in the experiment. And on that use, and upon that experiment, he had sent even the plan of an act of parliament, to have it confirmed with the last and most sacred authority of this country. The court of directors desired, that, if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid, some time before this period, by death, of General Clavering; by death, of Colonel Monson; and by vexation and persecution, and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole council; and if ever there was a time when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the court of directors, that was the time. Mr. Wheler was taken off, despair perhaps rendering the man, who had been in opposition futilely before, compliable. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances, which rendered it atrocious in Mr. Hastings to make

any change, induced him to make this.—He thought that a moment's time was not to be lost,—that other colleagues might come where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved—your lordships will remark the whole of this most daring and systematic plan of bribery and peculation,—he resolved to put it out of the power of his council in future to check or control him in any of his evil practices.

The first thing he did was to form an ostensible council at Calcutta for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the supreme council. He delegated to them— that is, to four covenanted servants—those functions which, by act of parliament and the Company's orders, were to be exercised by the council general; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd, that one of the first acts of a governor-general, so jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprising the court of directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those who died in India or those who afterwards returned to Europe in one day, in a moment to annihilate the whole authority of the provincial councils, and delegate the whole power to these four gentlemen. These four gentlemen had for their secretary an agent given them by Mr. Hastings; a name that you will often hear of —a name at the sound of which all India turns pale—the most wicked, the most atrocious, the boldest, the most dexterous villain that ever the rank servitude of that country has produced. My lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person that ever differed on this occasion, or expressed any other idea of Gunga Govin Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear from the account given by themselves what the council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was.

I beg, hope, and trust, that your lordships will learn from the persons themselves who were appointed to execute the office their opinion of the real execution of it, in order that you may judge of the plan for which he destroyed the whole English administration in India. "The committee must have a dewan, or executive officer, call him by what name you please. This man in fact has all the revenue paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected.

"To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Your lordships see what the opinion of the council was of their own constitution. You see for what it was made. You see for what purposes the great revenue-trust was taken from the council general, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterwards five, who was the most active efficient member of it. You see it was made for the purpose of being a tool in the hands of Gunga Govin Sing; that integrity, ability, and vigilance could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practise bribery with impunity. Thus, your lordships see, the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govin Sing. The screen, the veil spread before this transaction, is torn open by the very people themselves who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govin Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed,

and four gentlemen are appointed to be his tools and instruments.—Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability, to lay the whole country under contribution; that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head that he well fulfilled the purposes for which he was appointed. Did Mr. Hastings pretend to say, that he destroyed the provincial councils for their corruptness or insufficiency, when he dissolved them? No; he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govin Sing. Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of £62,000 a year upon the establishment. But for great, eminent, capital services, £62,000, though a much larger sum than what was thought fit to be allowed for the members of the supreme council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings that these pensions, though they created a new burden on the establishment, were all well disposed, provided the council did their duty. But you have heard what they say themselves—they are not there put to do any duty, they can do no duty; their abilities, their integrity avail them nothing,—they are tools in the hands of Gunga Govin Sing. Mr. Hastings then has loaded the revenue with £62,000 a year, to make Gunga Govin Sing master of the kingdom of Bengal, Bahar, and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools for Gunga Govin Sing, have cost £62,000 a year to the Company? There it is—it is not my representation—not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now, did Mr. Hastings employ Gunga Govin Sing without a knowledge of his character? His character was known to Mr. Hastings; it was recorded long before, when he was turned out of another office. During my long residence, says he, in this country, this is the first time I heard of the character of Gunga Govin Sing being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govin Sing. I have no intimate knowledge of Gunga Govin Sing. What I understood of his character has been from Europeans as well as natives. After—"He had many enemies at the time he was proposed to be employed in the Company's service, and not *one advocate* among the natives who had immediate access to myself. I think, therefore, if his character had been such as has been described, the knowledge of it could hardly have failed to have been ascertained to me by the *specific* facts. I have heard him loaded, as I have many others, with general reproaches, but have never heard any one express a doubt *of his abilities*." Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was not able to contradict the charge brought against him; and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the directors,—for malversation in office. He had, indeed, crept again into the Calcutta committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning out the whole committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a bad character and evil repute, though supposed to be a man of great abilities.

My lords, permit me for one moment to drop my representative character here, and to speak to your lordships only as a man of some experience in the world, and conversant with the affairs of men, and with the characters of men.

I do then declare my conviction, and wish it may stand recorded to posterity, that there never was a *bad man* that had ability for *good service*. It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction, —they are paralytic on that side;—the muscles, if I may use the expression, that ought to move it are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? In such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the commitee and the council general, and of the revenues of the whole country?

As soon as we find Gunga Govin Sing here, we find him employed in the way in which he was meant to be employed; that is to say, we find him employed in taking corrupt bribes and corrupt presents for Mr. Hastings. Though the committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. And, indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe-broker, has pretty well authenticated a secret correspondence between them. For the next great bribe as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of £40,000, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govin Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe confidants, and by him made accountant-general to the supreme presidency. For this sum, so clandestinely and corruptly

taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the court of directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own bribes; and accordingly Mr. Larkins sent over an account of various bribes; an account which, even before it comes directly in evidence before you, it will be pleasant to your lordships to read. In this account, under the head *Dinagepore, No.* 1, I find, "*Duplicate copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honourable Company of Merchants trading to the East-Indies were received by Mr. Hastings, and paid to the sub-treasurer.*" We find here, *Dinagepore peshcush, four lacks of rupees—cabuleat*, that is, an agreement to pay four lacks of rupees, of which three were received, and one remained in balance at the time this account was made out. All that we can learn from this account, after all our researches, after all the court of directors could do to squeeze it out of him, is—that he received from Dinagepore, at twelve monthly payments, a sum of about three lacks of rupees, upon an engagement to pay him four;—that is, he received about £30,000 out of £40,000 which was to be paid him; and we are told that he received this sum through the hands of Gunga Govin Sing; and that he was exceedingly angry with Gunga Govin Sing for having kept back or defrauded him of the sum of £10,000 out of the £40,000. To keep back from him the fourth part of the whole bribe was very reprehensible behaviour in Gunga Govin Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity. My lords, this letter tells us Mr. Hastings was much irritated at Gunga Govin Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated for their frauds upon him in their joint concerns. In the mean time Gunga Govin Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honourable trust of bribe-undertaker and manager.

My lords, you are not very much enlightened, I believe, by seeing these words *Dinagepore peshcush.* We find a province, we find a sum of money, we find an agent, and

we find a receiver. The *province* is *Dinagepore*, the *agent* is *Gunga Govin Sing*, the *sum* agreed on is £40,000, and the *receiver* of a part of that is *Mr. Hastings*. This is all that can be seen. Who it was that gave this sum of money to Mr. Hastings in this manner does no way appear,—it is *murder by persons unknown;* and this is the way in which Mr. Hastings, after all the reiterated solicitations of parliament, of the Company, and the public, has left the account of this bribe.

Let us, however, now see what was the state of transactions at Dinagepore at that period. For if Mr. Hastings, in the transactions at that period, did anything for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagepore.

Dinagepore, Rungpore, and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included; it is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagepore.

I find that, about the month of July, 1780, the Rajah of Dinagepore after a long and lingering illness died, leaving a half brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the governor-general in council,—being the ultimate authority to which the decision of all these questions was to be referred. This cause came before Mr. Hastings, and I find that he decided the question in favour of the adopted son of the Rajah against his half brother. I find that upon that decision a rent was settled, and a peshcush, or fine, paid.—So that all that is in this transaction is fair and above-board; there is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is

a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking part in favour of the minor, agreeably to the principles of others, and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Rannee, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find that, when the steward of the province of Dinagepore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If then the £40,000 be the same with the money taken from the Rajah in 1780, to which account it seems to refer (for it was taken in regular payments, beginning July 1780, and ending at the same period in 1781), it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of £40,000 for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your lordships will observe, through Gunga Govin Sing. He was the broker of the agreement; he was the person who was to receive it by monthly instalments, and he was to pay it to Mr. Hastings. —His son was in the office of register-general of the whole country, who had in his custody all the papers, documents, and everything which could tend to settle a litigation among the parties.

If Mr. Hastings took this bribe from the Rajah of Dinagepore, he took a bribe from an infant of five years old through the hands of the register. That is, the judge receives a bribe though the hands of the keeper of the genealogies of the family, the records, and other documents, which must have had the principal share in settling the question.

This history of this Dinagepore peshcush is the public one received by the Company, and which is entered upon the record—but not the private, and probably the true, history of this corrupt transaction.

Very soon after this decision, very soon after this peshcush

was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govin Sing, by the very man who received the peshcush for Mr. Hastings. We find them all turned out of their employments: we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly to prevent the relations of his adopted mother—to prevent those who might be supposed to have an immediate interest in the family—from abusing the trust of his education, and the trust of the management of his fortune, Gunga Govin Sing—(for I trust your lordships would not suffer me, if I had a mind, to quote that tool of a thing the committee of revenue, bought at £62,000 a year, you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govin Sing)—this Gunga Govin Sing produces soon after another character, to whom he consigns the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govin Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by and by, called Debi Sing. This person, in the universal opinion of all Bengal, is ranked next to Gunga Govin Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

Arcades ambo,
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world; these rivals were reconciled on this occasion, and Gunga Govin Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because like champions they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is—to cut off 1000 out of 1600 a month from his allowance. They state (though there was

a great number of dependants to maintain) that 600 would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household; in short, that there never was such a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over this poor Rajah, who had just given, if he did give, £40,000 for *his own* inheritance, if it was his due,—for the inheritance of *others*, if it was not his due. One would think he was entitled to some mercy; but probably, because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship, who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No; they were turned out without any such examination; and when I come to inquire into the proceedings of Gunga Govin Sing's committee, I do not find that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah.

There is not one word to be found of an account: Debi Sing's honour, fidelity, and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah, as a bribe in judgment, or whether Mr. Hastings got it from Debi Sing, as a bribe in office, for appointing him to the guardianship of a family that did not belong to him, and for the dominion of three great and once wealthy provinces—which is best or worst I shall not pretend to determine. You find the Rajah in his possession. You find his education, his household in

his possession. The public revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new committee of revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings's money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered, that it was in reality a bargain secretly struck between the Governor-General and Debi Sing; and that the committee were only employed in the mere official forms. From the time that Mr. Hastings new modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true granter was; it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your lordships who Debi Sing is.

[*Mr. Burke read the committee's recommendation of Debi Sing to the Governor-General and council: but the copy of the paper alluded to is wanting.*]

* * * * * * * * *

Here is a choice; here is Debi Sing presented for his knowledge in business, his trust and fidelity; and that he is a person against whom no objection can be made. This is presented to Mr. Hastings, by him recorded in the council books, and by him transmitted to the court of directors. Mr. Hastings has since recorded, that he knew this Debi Sing (though he here publicly authorizes the nomination of him to all that great body of trusts), that he knew him to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Debi Sing is appointed to all those great trusts through the means of Gunga Govin Sing, from whom he (Mr. Hastings) had received £30,000 as a part of a bribe.

Now though it is a large field, though it is a thing that, I must confess, I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences that followed from a sys-

tem of bribery, such the horrible consequences of superseding all the persons in office in the country, to give it into the hands of Debi Sing, that though it is the public opinion, and though no man that has ever heard the name of Debi Sing does not know, that he was only second to Gunga Govin Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepts him as a person against whom no exception could be made.

It is necessary to inform your lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that in this sort of corrupt and venal appointment to high trust and office, Mr. Hastings has no other consideration than the money he received. But whoever thinks so will be deceived. Mr. Hastings was very far from indifferent to the character of the persons he dealt with. On the contrary, he made a most careful selection; he had a very scrupulous regard to the aptitude of the men for the purposes for which he employed them; and was much guided by his experience of their conduct in those offices which had been sold to them upon former occasions.

Except Gunga Govin Sing (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence), there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject; not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those who in the early stages of the English power in Bengal attached himself to those natives who then stood high in office. He courted Mahomed Reza Khân, a Mussulman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity of which those who possess no valuable art or useful talent are commonly complete masters. Possessing large funds acquired by his ap-

prenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought down by Mr. Hastings, under the orders of the court of directors, upon a cruel charge to Calcutta. He was accused of many crimes, and acquitted £220,000 in debt. That is to say, as soon as he was a great debtor he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khân, a person of a character very different from his.

From that connection he was appointed to the farm of the revenue, and inclusively of the government of Purnea, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigour and industry, that in a very short time the province was half depopulated, and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffic from Calcutta. But when the new undertakers came to survey the object of their future operations and future profits, they were so shocked at the hideous and squalid scenes of misery and desolation that glared upon them in every quarter, that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of £12,000, to be released from their engagements.

To give in a few words as clear an idea as I am able to give of the immense volume which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purnea, which had been let to Debi Sing at the rate of £160,000 sterling a year, was with difficulty leased for a yearly sum under £90,000; and with all rigour of exaction produced in effect little more than £60,000, falling greatly below one half of its original estimate.—So entirely did the administration of Debi Sing exhaust all the resources of the province; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamour. It was impossible that it should be passed over without animadversion. Accord-

ingly, in the month of September, 1772, Mr. Hastings, then at the head of the committee of circuit, removed him for maladministration; and he has since publicly declared on record, that he knew him to be capable of all the most horrid and atrocious crimes that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd; to identify him for his own; and to call him forth into action when his virtues should be sufficiently matured for the services in which he afterwards employed him through his instruments, Mr. Anderson and Gunga Govin Sing. In the mean time he left Debi Sing to the direction of his own good genius.

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings in the year 1773, by which provincial councils were formed, Debi Sing became deputy steward, or secretary (soon in effect and influence principal steward), to the provincial council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of 120 lacks of rupees, or £1,500,000. This division of provincial council included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources as subsequently to get possession of them.

Debi Sing found this administration composed mostly of young men dissipated and fond of pleasure, as is usual at that time of life; but desirous of reconciling those pleasures which usually consume wealth, with the means of making a great and speedy fortune; at once eager candidates for opulence, and perfect novices in all the roads that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country raised by a tax more productive than laudable. It is an imposition on public prostitutes, a duty upon the societies of dancing girls; those seminaries from which Mr. Hastings has selected an administrator of justice and governor of kingdoms. Debi Sing thought it expedient to farm this tax; not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly,

in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiors; ladies recommended not only by personal merit, but, according to the eastern custom, by sweet and enticing names which he had given them. For, if they were to be translated, they would sound—Riches of my Life; Wealth of my Soul; Treasure of Perfection; Diamond of Splendour; Pearl of Price; Ruby of Pure Blood, and other metaphorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments with which he regaled his council. In these festivities, whilst his guests were engaged with the seductions of beauty, the intoxications of the most delicious wines of France, and the voluptuous vapour of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated, and was purveyor to, their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governors.

For you are to understand that in many things we are very much misinformed with regard to the true seat of power in India. Whilst we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble; to whom the far greater part of the English, who figured in employment and station, had from their earliest youth been slaves and instruments. Banyans had anticipated the period of their power in premature advances of money, and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, various trusts in the revenue; sometimes openly appearing, sometimes hid two or three deep in false names; emerging into light, or shrouding himself in darkness, as successful or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds committed by him in another name, by which he became deeply in balance to the revenue, he was publicly whipped by *proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But, as he rose in Mr. Hastings's opinion, he fell in that of his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the provincial council emerged from their first dependence; and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait, and crisis of his power, the artist turned himself into all shapes. He offered great sums individually; he offered them collectively; and at last put a carte blanche on the table—All to no purpose! What, are you stones?—Have I not men to deal with?—Will flesh and blood refuse me?

When Debi Sing found that the council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence that these offers would be well received; and that he should at once be revenged of the council, and obtain all the ends which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers; sold his fellow-servants of the Company, entitled by every duty to his protection; sold English subjects, recommended by every tie of national sympathy; sold the honour of the British government itself; without charge, without complaint, without allegation of crime in conduct, or of insufficiency in talents; he sold them to the most known and abandoned character which the rank servitude of that clime produces. For *him*, he entirely broke and quashed the council of Moorshedabad, which had been the settled government for twelve years (a long period in the change-

ful history of India), at a time too when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errors.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow-room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence to which he was reduced during the usurped dominion of honour and integrity.

It was not enough that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe brokerage he united the two great rivals in iniquity, who before, from an emulation of crimes, were enemies to each other, Gunga Govin Sing and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three provinces of Dinagepore, Edrackpore, and Rungpore; territories making together a tract of land superior in dimensions to the northern counties of England, Yorkshire included.

To prevent anything which might prove an obstacle on the full swing of his genius, he removed all the restraints which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a dewan, had been established in the provinces, expressly as a check on the person who should act as farmer-general. This office he conferred along with that of farmer-general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man whom he had before recorded as the destroyer of Purnea, and capable of every the most atrocious wickedness that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those whose example he followed, is covered with a pretended increase of revenue

to the Company. Mr. Hastings would not pocket his bribe of £40,000 for himself, without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object to which I mean in this instance to confine your attention, £7000 a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant, so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the landholder and husbandman. But as Mr. Hastings's bribe of a far greater sum was not guarded by any such provision, it was left to the discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where, as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his covenant, you may easily believe that Debi Sing had not a more correct memory; and, accordingly, as soon as he came into the province he instantly broke every covenant which he had entered into, as a restraint on his avarice, rapacity, and tyranny, which, from the highest of the nobility and gentry to the lowest husbandman, were afterwards exercised, with a stern and unrelenting impartiality, upon the whole people. For notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison; and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent which they knew they could never realize.

Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand; until exhausted by these oppressions they were brought to the extremity to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those that pay revenue. The others are of the nature of demesne

lands, which are free and pay no rent to government. The latter are for the immediate support of the zemindars and their families, as from the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered, and sold for the most trifling consideration. The rent-free lands, the best and richest lands of the whole province, were sold—sold for—what do your lordships' think? —They were sold for less than one year's purchase,—at less than one year's purchase, at the most underrated value; so that the fee-simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale on such terms strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money which he had extorted from the miserable vendors.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about £7000 sterling a year (but according to the rate of money and living in that country equivalent to a rental in England of £30,000 a year); and then having raised in the new letting, as on the sale he had fraudulently reduced, those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands thus sold for next to nothing, left of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes, next carried off the goods. There is a circumstance attending this business, which will call for your lordships' pity. Most of the landholders or zemindars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom very cautiously used in all good governments there of employing female bailiffs, or sergeants, in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants

and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, nothing being left but what was daily threatened, their life and honour. The landholders, even women of eminent rank and condition, for such the greatest part of the zemindars then were, fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection and without bread. The monthly instalment of Mr. Hastings's bribe was become due, and his rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors made to support infirmity and decrepitude, to give feet to the lame and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud, where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for all the substantial sufferings of their lives,—even the very feeble consolations of death were by the same rigid hand of tyranny, a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, seized and taken to make good the honour of corruption, and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious, spared?—Alas! as their situation was far more helpless, their oppression was infinitely more sore and grievous,—the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your lordships some idea of the condition of those who were served up to satisfy Mr. Hastings's hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who, according to the modes of that country, had

starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge, in these very words:

"It is notorious," says he, "that poverty generally prevails amongst the husbandmen of Rungpore, more perhaps than in any other parts of the country. They are seldom possessed of any property except at the time they reap their harvest; and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthenware, and their houses only a handful of straw; the sale of *a thousand* of which would not perhaps produce twenty shillings."

These were the opulent people from whose superfluities Mr. Hastings was to obtain a gift of £40,000 over and above a large increase of rent, over and above the exactions by which the farmer must reimburse himself for the advance of the money, by which he must obtain the natural profit of the farm, as well as supply the peculium of his own avarice.

Therefore your lordships will not be surprised at the consequences. All this unhappy race of little farmers and tillers of the soil were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this there was no mode of extortion which the inventive imagination of rapacity could contrive that was not contrived and was not put in practice. On its own day your lordships will hear with astonishment, detestation, and horror, the detail of these tyrannous inventions; and it will appear, that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent on which they were piled.

The country being in many parts left wholly waste, and in all parts considerably depopulated by the first rigours, the full rate of the district was exacted from the miserable survivors. Their burdens were increased as their fellow-labourers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments, beyond all possible calculation, previous to receipts and above their

means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to those whose substance was still more precarious (to the natural hardness and austerity of that race of men), had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and peshcush paid to Mr. Hastings? five, ten, twenty, forty per cent.? No! at an interest of six hundred per cent. per annum, payable by the day! A tiller of land to pay six hundred per cent. to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly, the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged, and suffocated, the price of grain fell to the fifth part of its usual value. The crop was then gone, but the debt remained. An universal treasury-extent, and process of execution, followed on the cattle and stock, and was enforced, with more or less rigour, in every quarter. We have it in evidence, that in those sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burnt down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation, that those who have the fewest of all other worldly enjoyments are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries; everything

visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to learn moderation from the ill success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigour. Then they redouble the efforts of their impotent cruelty; which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury, and malice (implacable because unprovoked) recruiting and reïnforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes, of which beasts are incapable, and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under-tyrants knew that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my lords, began such a scene of cruelties and tortures as I believe no history has ever presented to the indignation of the world; such as I am sure in the most barbarous ages no politic tyranny, no fanatic persecution, has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryotts both of Rungpore and Dinagepore for non-payment were in many instances of such a nature, that I would rather wish to draw a veil over them, than shock your feelings by the detail; but that, however

disagreeable the task may be to myself, it is absolutely necessary for the sake of justice, humanity, and the honour of government, that they should be exposed, to be prevented in future."

My lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and for ever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your lordships, and all this auditory, and all this country have begun every day for these fifteen years at their expense. To these beneficent hands, that labour for our benefit, the return of the British government has been cords, and hammers, and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to heaven against their oppressors? Then, what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate, and thus endeavour to secure ourselves from, the vengeance which these mashed and disabled hands may pull down upon us. My lords, it is an awful consideration. Let us think of it.

But to pursue this melancholy but necessary detail. I am next to open to your lordships, what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates, and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downwards over a bar, beat them on the soles of the feet with ratans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind

fury, until the blood gushed out at their eyes, mouths, and noses.

Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same, who had suffered as I have stated) they applied, instead of ratan and bamboo, whips made of the branches of the bale tree—a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges.

For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of nature for whatever is most unfriendly to man, they made rods of a plant highly caustic and poisonous, called *bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself.

At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable,—they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and whilst their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the remnants of compassion and courage, not subdued in those who had reason to fear that their own turn of torment would be next, that they should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this

circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison; whipped, as before, at their return to the dungeon; and at morning whipped at their leaving it; and then sent as before to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion,—nights of bolts, fetters, and flagellation, succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons whose fortitude could bear their own suffering; there are men who are hardened by their very pains; and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke which did not excruciate the sense, should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses; and in the open court of justice, in the very place where security was to be sought against all wrong and all violence (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench), these virgins, vainly invoking heaven and earth, in the presence of their parents, and whilst their shrieks were mingled with the indignant cries and groans of all the people, publicly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were indeed hid in the bottoms of the dungeons in which their honour and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the cir-

cumstances that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastic sides of cleft bamboos. Here, in my hand, is my authority; for otherwise one would think it incredible. But it did not end there. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire—(I cannot proceed for shame and horror!)—these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious cruelty,—there, where the reverence of nature, and the sanctity of justice, dares not to pursue, nor venture to describe their practices.

These, my lords, were sufferings which we feel all in common in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings) things done which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners and the law of opinion contribute more to their happiness and misery than anything in mere sensitive nature can do.

The women thus treated lost their caste. My lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes; each caste born to an invariable rank, rights, and descriptions of employment; so that one caste cannot by any means pass into another. With the Gentoos certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste, that of Brahmin, which is not only noble but sacred, is lost, the person who loses it does not slide down into one lower but reputable—he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is some-

thing far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him; and if he touches any of his old caste, they are justified in putting him to death. Contagion, leprosy, plague, are not so much shunned. No honest occupation can be followed. He becomes an *Halichore*, if (which is rare) he survives that miserable degradation.

Upon those whom all the shocking catalogue of tortures I have mentioned could not make to flinch, one of the modes of losing caste for Brahmins, and other principal tribes, was practised. It was, to harness a bullock at the court door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, the instrument according to their ideas of outrage, disgrace, and utter loss of caste, was led through the country; and, as it advanced, the country fled before it. When any Brahmin was seized he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words,—"I have suffered this indignity; my caste is lost; my life is a burden to me; I call for justice." He called in vain.

Your lordships will not wonder that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the avenues of the province, and, making a line of circumvallation, drove back those wretches who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought amongst the jungles and dens of tigers a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive,

the most timid of the human race, rose up in an universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighbouring provinces, which had been harassed by the same person with the same oppressions. The English chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrors. He called in first irregular, and then regular, troops, who by dreadful and universal military execution got the better of the impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which without law or process, or even the shadow of authority, were ordered by the English revenue chief in that province.

In our Indian government, whatever grievance is borne is denied to exist; and all mute despair, and sullen patience, is construed into content and satisfaction. But this general insurrection, which at every moment threatened to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English chief in the province, Mr. Goodlad, represented it to Mr. Hastings's revenue committee to be (what it was) the greatest and most serious disturbance that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection; but on the whole judged that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr. Hastings's committee of revenue, whilst these wounds were yet bleeding, and whilst a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry, with some sort of appearance of seriousness, into the causes of it. They looked therefore about them carefully, and chose what they judged would be most plausible and least effective. They thought that it was

necessary to send a special commissioner into the province; and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle opinions, unconnected with parties: and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colourless, confused report; in which the blame was to be impartially divided between the sufferer and the oppressor; and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy; and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities: and by this kind of equitable, candid, and judge-like proceeding they hoped the whole complaint would calmly fade away; the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidence of this event from this presumed character, Mr. Hastings's committee in appointing Mr. Paterson their commissioner were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons; not only to inquire and to report, but to decide and to redress.

Such is the imperfection of human wisdom, that the committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the commissioner Paterson concealed a firm, manly, and fixed principle, a deciding intellect, and a feeling heart. My lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of chairman of the committee of supply in the House of Commons, and who is now enjoying repose from his long labours in an honourable age. The son, as soon as he was appointed to this commission, was awed by, and dreaded, the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He, therefore, took out a letter he had from his father, which letter was the preservation of

his character, and destruction of his fortune. This letter he always resorted to in all trying exigencies of his life.

He laid the letter before him, and there was enjoined such a line of integrity, of incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust that was placed in him; and he had not the least reason to doubt of full support in the execution of it; as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact that the Governor-General, under whose delegated authority he was sent, had been bribed by the farmer-general of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things, which could not lie,—with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by the exhibition of scattered bands of wild, naked, meagre, half-famished wretches, who rent heaven with their cries and howlings,—left him no sort of doubt of the real cause of the late tumults. In his first letters he conveyed his sentiments to the committee with these memorable words,—"In my two reports I have set forth, in a general manner, the oppressions which provoked the ryotts to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen: it was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace; and this not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions

will rouse it to resistance. Conceive to yourselves what must be the situation of a ryott, when he sees everything he has in the world seized, to answer an exaggerated demand, and sold at so low a price as not to answer one half of that demand: when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste! You, gentlemen, who know the reserve of the natives in whatever concerns their women, and their attachment to their castes, must allow the full effect of these prejudices under such circumstances."

He, however, proceeded with steadiness and method, and in spite of every discouragement which could be thrown in his way by the power, craft, fraud, and corruption of the farmer-general Debi Sing, by the collusion of the provincial chief, and by the decay of support from his employers, which gradually faded away and forsook him as his occasions for it increased. Under all these and under many more discouragements and difficulties, he made a series of able, clear, and well-digested reports, attended with such evidence as never before, and, I believe, never will again appear, of the internal provincial administration of Bengal; of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars. By these reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governor Hastings's general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings's system of 1780, in placing this screen of a committee between him and his crimes. The committee had their lesson. Whilst Paterson is left collecting his evidence and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital; where he is received as those who have robbed and desolated provinces, and filled their coffers with £700,000 sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta,

and when he had well prepared his committee, in due time Paterson returns, appears, and reports.

Persons even less informed than your lordships are well apprized, that all officers representing government, and making in that character an authorized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those who have authorized the inquiry; and it is their duty to put the burden of proof to the contrary on those who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office, prevailed in the committee of Mr. Hastings's devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations in which the parties stood.

This executive board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser, who is to make good his charge at his peril. The farmer-general, whose conduct was not criminally attacked, but appeared as one of the grounds of a public inquiry, is turned into a culprit before a court of justice, against whom everything is to be juridically made out or not admitted: and the members of an executive board, by usurpation and fraud, erect themselves into judges, bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath, by discrediting the whole province, as a set of criminals, who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for crimes (crimes charged

on him, not by the commissioner, but by themselves), and made him a complainant and a witness against him in the stupidest and most improbable of all accusations,—namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing: and then the committee, seating this wretch as an assessor at their own board, who a few days before would have trembled like a whipped slave at the look of an European, encouraged him to interrogate their own commissioner.

[Note.—*Here* Mr. Burke *was taken ill, and obliged to sit down. After some time* Mr. Burke *again addressed the House.*]

My lords, I am sorry to break the attention of your lordships in such a way. It is a subject that agitates me. It is long, difficult, and arduous; but with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your lordships, that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge which he made out but too much to their satisfaction, they changed their battery.

[Note.—Mr. Burke's *illness increased; upon which the House, on the motion of His Royal Highness the Prince of Wales, adjourned.*]

TRIAL.

SIXTH DAY, 19TH FEBRUARY, 1788.

(MR. BURKE.)

MY LORDS,—In any great undertaking, a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your lordships' humanity, and your love of justice, have remedied everything, and I therefore proceed with confidence this day.

My lords, I think (to the best of my remembrance) the House adjourned at the period of time in which I was endeavouring to illustrate the mischiefs that happened from Mr. Hastings's throwing off his responsibility by delegating his power to a nominal council, and in reality to a black bad man, a native of the country, of the worst character that could be found in it; and the consequence of it, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India or any other part of the world.

My lords, I stated to you that Mr. Commissioner Paterson was sent into that country. I stated that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress, the grievances which he should find in the country. In short, there was nothing wanting to his power but an honest support. Your lordships will be convinced, that the road to fortune was easy to him. Debi Sing for a favourable report would have given a large sum of money. Your lordships will be convinced that the committee would not have received such a report as a proof of bribery. They would rather consider him as a man whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your lordships, but very faintly, very imperfectly, and far short of my materials. I have stated that the criminal against whom the commissioner had made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasion when he has endeavoured to make princes, or persons in the rank and with the attributes of sovereign princes, feel whenever they have incurred his private resentments; that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report under the authority of government to that govern-

ment, was considered as a voluntary accuser, obliged to make good the articles of his charge. But, I believe, I stated that he did not long remain in that condition.

I shall now proceed to state to your lordships, that this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority that belonged to a personage who had the Governor-General for his *pensioner*. No longer the sneaking tone of apology;—no longer the modest allegations, that the commissioner was misinformed;—he boldly accuses the representative of English government of forgery in order to destroy him; he criminates and recriminates, and lays about him without mercy.

Things were now in a proper train;—the committee find the cause growing and ripening to their wishes;—answers, replies, objections, and interrogatories,—accounts opposed to accounts,—balances now on the one side, now on the other. —Now debtor becomes creditor, and creditor debtor—until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of public notoriety. They prepared a report for the Governor-General and council, suitable to the whole tenor of their proceedings. Here the man whom they had employed and betrayed appeared in a new character. Observe their course with him:—First, he was made a commissioner. Then, he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis;—he appears as a culprit before Mr. Hastings, on the accusation of the donor of Mr. Hastings's bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant, is to acknowledge it as a favour to be again suffered to go into the province, without authority, without station, without public character, under the discountenance and frowns, and in a manner under prosecution, of the government. As a favour, he is suffered to go again into Rungpore, in hopes of finding among the dejected, harassed, and enslaved race of Hindoos, and in that undone province, men bold enough to stand forward against all temptations of emolument, and at the risk of their lives, with

a firm adherence to their original charge; and at a time when they saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to as a magistrate of high and sacred authority, to hear the complaints and to redress the grievances of a whole people.

A new commission of junior servants was at the same time sent out to review and reëxamine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority and without the favour which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country; and, after spending a long time in mere matters of form, found they could not do without a representative of Debi Sing, and accordingly they ordered Debi Sing to send up his vakeel.

I forgot to state to your lordships what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds; one on the matter of his flagitious misconduct at Rungpore, and the other, for a great failure in the payment of his stipulated revenue. Under this double accusation he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common gaol of Calcutta, not in the prison of the fort, not in that gaol in which Rajah Nundcomar, who had been prime minister of the empire, was confined, but according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of power, under a free custody. He was put under a guard of sepoys, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those who were to judge him; and having an address which seldom fails, and a dexterity never wanting to a man possessed of £700,000, he converted this guard into a retinue of honour: their bayonets were lowered, their muskets laid aside; they attended him with their side-arms, and

many with silver verges in their hand, to mark him out rather as a great magistrate attended by a retinue, than a prisoner under guard.

When he was ordered to send a vakeel to defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without him" (and indeed it was not made necessary by the commission that he should be there either by vakeel or otherwise), condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory, than as a man under the load of all those enormous charges which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company (an old servant of the Company is a great man in that country), was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain whom I have the misfortune of being obliged to introduce to your lordships' notice. Mr. Paterson, seeing the effect of the proceeding everywhere, seeing the minds of the people broken, subdued, and prostrate under it, and that so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners, that this appearance of authority tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The council of Calcutta took this representation into their deliberate consideration; they found that it was true, that if he had such an attendance any longer in this situation (and a large attendance it was, such as the Chancellor of this kingdom, or the Speaker of the House of Commons does not appear with), it would have an evil appearance. On the other hand, say they, "*If he should be left under a guard, the people would consider him as under disgrace.*" They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the

custody of a prisoner, but to lower their muskets, and unfix their bayonets.

The next step of these commissioners is to exclude Mr. Paterson from all their deliberations; and, in order that both parties might be put on an equality, one would naturally conclude that the culprit Debi Sing was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed.

In this situation, Mr. Paterson wrote one of the most pathetic memorials that ever was penned, to the council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue, that brought it upon him. To do the man justice, he bore the whole of this persecution like an hero. He never tottered in his principles, nor swerved to the right or to the left, from the noble cause of justice and humanity in which he had been engaged; and when your lordships come to see his memorials you will have reason to observe, that his abilities are answerable to the dignity of his cause, and make him worthy of everything that he had the honour to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud, and chicanery, which lasted for upwards of four years, Paterson remains without employment: —the inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress:—and the purchaser Debi Sing, that corrupt, iniquitous, and bloody tyrant, instead of being proceeded against by the committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial on a criminal charge, before a Mahomedan judge,—an equal judge, however. The judge was Mahomed Reza Khân, his original patron, and the author of all his fortunes;—a judge who depends on him, as a debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honourable acquittal.

I have stated before, that I considered Mr. Hastings as responsible for the characters of the people he employed; doubly responsible, if he *knew* them to be bad. I, therefore, charge him with putting in situations in which any evil may be committed, persons of known evil characters.

My lords, I charge him, as chief governor, with destroying the institutions of the country, which were designed to be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called dewan or steward of the country, had always been placed as a control on the farmer; but that no such control should in fact exist,—that he, Debi Sing, should be let loose to rapine, slaughter, and plunder in the country, both offices were conferred on him. Did Mr. Hastings vest these offices in him? No; but, if Mr. Hastings had kept firm to the duties which the act of parliament appointed him to execute, all the revenue appointments must have been made by him; but instead of making them himself, he appointed Gunga Govin Sing to make them; and for that appointment, and for the whole train of subordinate villany which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, I say, first, for destroying his own legal capacity; and next, for destroying the legal capacity of the council, not one of whom ever had, or could have, any true knowledge of the state of the country from the moment he buried it in the gulf of mystery and of darkness, under that collected heap of villany, Gunga Govin Sing. From that moment he destroyed the power of government, and put everything into his hands; for this he is answerable.

The provincial councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the public eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business.

And, therefore, Mr. Hastings having destroyed every check and control above and below,—having delivered the whole into the hands of Gunga Govin Sing, for all the iniquities of Gunga Govin Sing he is responsible.

But he did not know Debi Sing, whom he employed. I read yesterday, and trust it is fresh in your lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga

Govin Sing;—that is to say, by Gunga Govin Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of £40,000 from some person in power in Dinagepore and Rungpore, the countries which were ravaged in this manner, through the hands of Gunga Govin Sing,—through the medium of that very person whom he had appointed to exercise all the authorities of the supreme council above, and of all subordinate councils below. Having therefore thus appointed a council of tools in the hands of Gunga Govin Sing, at the expense of £62,000 a year, to supersede all the English provincial authorities;—having appointed them for the purpose of establishing a bribe factor-general, a general receiver and agent of bribes, through all that country,—Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your lordships will see, that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe-broker, an agent like Gunga Govin Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of parliament, then he took another mode, and declared, as your lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which, in the common ostensible mode, and under the ordinary forms of government, and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing that a theoretical system is bad is to show the practical mischiefs that it produces; because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory, stated by Mr.

Hastings to be productive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this, appears from an extract of the Bengal Revenue Consultations, 21st January, 1785, a little before he came away.

Mr. Hastings says, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them: and I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure; with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system in 1773 to the end of it, when he closed it in 1785; when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down to the Ganges, and even to the sea, and that he never quitted his system of iniquity; but that it survived his political life itself.

One of his last political acts was this:—

Your lordships will remember, that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while such things were doing, I shall prove: but that is not now my consideration.

The Governor-General's minute, just read, is this, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them" (the accuser, namely, the commissioner). "Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," &c. &c. &c.

Now your lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it, that he is fairly and conscientiously

acquitted. But what is Mr. Hastings's account of Rajah Debi Sing? He is presented to him in 1781 by Gunga Govin Sing, as a person against whose character there could be no exception, and by him accepted in that light. Upon the occasion I have mentioned, Mr. Hastings's opinion of him is this: "I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

Thus your lordships see what Mr. Hastings's opinion of Debi Sing was.—We shall prove it at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no (but we shall prove that bad he was indeed), *even he* could hardly be so bad as he was in the opinion which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock committee, instituted by himself, but in reality entirely managed by Gunga Govin Sing. This Debi Sing was accepted as an unexceptionable man: and yet Mr. Hastings knows both his power of doing mischief, and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings's conduct in destroying those provincial councils, which, as I have already stated, were obliged to book everything, to minute all the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman under pretence of controlling Gunga Govin Sing's agent, appointed for the very purpose of giving him bribes, in a province where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit.—He leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct! What then could be his business there? Was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a

communication between Debi Sing and the committee, and in no other way? Here then we have that English authority which Mr. Hastings left in the country: here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govin Sing: here the destruction of all English inspection. I hope I need say no more to prove to your lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode of collecting the revenue, and supplying the Company's exigencies through Gunga Govin Sing, would be iniquitous upon the face and the statement of it. But when your lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings's destroying these provincial councils, and protecting these persons, must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of the revenue. For what says Mr. Hastings? I was to have received £40,000 in bribes, and £30,000 was actually applied to the use of the Company. Now I hope I shall demonstrate—if not, it will be by some one abler than me demonstrated in the course of this business—that there never was a bribe received by Mr. Hastings that was not instantly followed with a deficiency in the revenue; this is clear, and what we undertake to prove: and that Debi Sing himself was, at the time Mr. Hastings came away, between £20,000 and £30,000 debtor to the Company. So that in truth you always find a deficiency of revenue nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received; from whence it will be evident that he never could nor did receive them under that absurd and strange idea of a resource to government.

I must restate to your lordships, because I wish you never to forget, that this committee of revenue was, in their own opinion, and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments,

mere tools; that they knew that they were tools in the hands of Gunga Govin Sing. There were two persons principal in it, Mr. Shore, who was the acting president, and Mr. Anderson, who was president in rank and president in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, for I must beg leave to read again a part of the paper which has already been read to your lordships, that "the committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Now do you believe, in the first place, that men will long have abilities, will long have good intentions, and will long, above all, have steady application, when they know they are but tools in the hands of another? when they know they are tools for his own corrupt purposes?

In the next place, I must beg leave to state to you, that on the constitution of this committee Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773; he bound the committee by a new oath, and forced them to declare that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient,—a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr. Hastings put a dewan there, against whom there was no security; he let loose this dewan to frustrate their intentions, their application, their abilities, and oath; that is, there was a person at that board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings; the committee were to be pure with impotent hands; and then came a person with ample power for Mr. Hastings himself. And, lest this person should not have power enough in this committee, he is made the general bribe-broker to Mr. Hastings. This secret under-current, as your lordships will see, is to counteract everything, and as fast as one part is rendered pure totally to corrupt all the rest.

But, my lords, this was not the private opinion of Mr.

Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was in a situation to do good, and when not. The other gentleman whom I have mentioned, Mr. Hastings's confidant in everything but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your lordships, that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanour, as we have seen him in the House of Commons; it is in that way only I have the honour of knowing him. Mr. Anderson being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the dewan of the committee, his answer was this—"I do not think that I should have written it quite so strong, but I do in a great measure agree to it,—that is, I think there is a great deal of truth in the observation; I think, in particular, that it would require great exertion in the committee, and great abilities on the part of the president, to restrain effectually the conduct of the dewan; I think it would be difficult for the committee to interpose a sufficient control to guard against all the abuses of the dewan."

There is the real president of the committee,—there the most active, efficient member of it. They are both of one opinion concerning their situation; and, I think, this opinion of Mr. Anderson is still more strong; for as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance that must strike your lordships relative to this institution. It is where the president says that the use of the president would be to exert his best abilities, his greatest application, his constant guard, for what? —to prevent his dewan from being guilty of bribery, and being guilty of oppressions. So here is an executive constitution, in which the chief executive minister is to be in such a situation, and of such a disposition, that the chief employment of the presiding person in the committee is to guard against him, and to prevent his doing mischief. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that

power and wickedness for the destruction of the country; and, without doubt, it would require the greatest ability and diligence in the person at the head of that council to prevent it. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with everything, but he never could part with Gunga Govin Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was Gunga Govin Sing. It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river (I forget whose); his last accents were Gunga, Gunga Govin Sing. It demonstrates the power of friendship.

It is said by some idle, absurd moralists, that friendship is a thing that cannot subsist between bad men; but I will show your lordships the direct contrary; and, after having shown you what Gunga Govin Sing was, I shall bring before you Mr. Hastings's last act of friendship for him. Not that I have quite shown you everything, but pretty well, I think, respecting this man. There is a great deal concerning his character and conduct that is laid by; and I do believe, that whatever time I should take up in expatiating upon these things, there would be "in the lowest deep still a lower deep;" for there is not a day of the inquiry that does not bring to light more and more of this evil against Mr. Hastings.

But, before I open the papers relative to this act of Mr. Hastings's friendship for Gunga Govin Sing, I must restate some circumstances, that your lordships may understand thoroughly the nature of it. Your lordships may recollect, that about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and, when Mr. Hastings left Bengal, eight or nine, Mr. Hastings had received from that country a bribe of about £40,000. There is a fidelity even in bribery;—there is a truth and observance even in corruption; there is a justice, that, if money

is to be paid for protection, protection should be given. My lords, Mr. Hastings received this bribe through Gunga Govin Sing; then, at least through Gunga Govin Sing, he ought to take care that that Rajah should not be robbed; that he should not be robbed, if Gunga Govin Sing could help it; that above all he should not be robbed by Gunga Govin Sing himself.—But your lordships will find that the last act of Mr. Hastings's life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed on the 16th of February, 1785, when he was on board in the mouth of the Ganges, and preparing to visit his native country, let us see what the last act of his life then was. Hear the last tender accents of the dying swan upon the Ganges: "The regret which I cannot but feel in relinquishing the service of my honourable employers would be much embittered, were it accompanied by the reflection that I have neglected the merits of a man who deserves no less of them than of myself, Gunga Govin Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago selected for his superior talents to fill the office of dewan to the Calcutta committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say, that he has performed the duties of his office with fidelity, diligence, and ability. To myself he has given proofs of a constancy and attachment, which neither the fears nor expectations excited by the prevalence of different influence could shake; and at a time too when these qualities were so dangerous, that, far from finding them amongst the generality of his countrymen, I did not invariably meet with them amongst my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding him; for justice, gratitude, generosity, and even policy demand it: and I resort to the board for the means of performing so necessary a duty, in full confidence that, as those which I shall point out are neither incompatible with the Company's interest nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govin Sing I deliver the accom-

panying durkausts, or petitions, for grants of lands lying in different districts; the total jumma, or rent, of which amount to rupees 2,38,061. 12. 1."

Your lordships recollect that Mr. Larkins was one of the bribe agents of Mr. Hastings; one, I mean, of a corporation, but not corporate in their acts. My lords, Mr. Larkins has told you, he has told us, and he has told the court of directors, that Mr. Hastings parted in a quarrel with Gunga Govin Sing because he had not faithfully kept his engagement with regard to his bribe; and that, instead of £40,000 from Dinagepore, he had only paid him £30,000. My lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings's behaviour at parting, that he either had in fact received this money from Gunga Govin Sing, or in some way or other had abundant reason to be satisfied; that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands* (so described by Mr. Hastings) to Gunga Govin Sing. Your lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts which Gunga Govin Sing knows how to practise (I mean conciliatory honest arts) he had fairly wiped away all resentment out of Mr. Hastings's mind; and he, who so long remembered the affront offered him by Cheit Sing, totally forgets Gunga Govin Sing's fraud of £10,000, and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states among Gunga Govin's merits, that he had, from the time of its institution, and with a very short intermission, served the office of dewan to the Calcutta committee. That short intermission was, when he was turned out of office upon proof of peculation and embezzlement of public money; but of this cause of the intermission in the political life and political merits of Gunga Govin Sing Mr. Hastings does not tell you.

Your lordships shall now hear what opinion a member of the provincial council at Calcutta, in which he had also served, had of him. "Who is Gunga Govin Sing?" The answer is:

—"He was, when I left Bengal, dewan to the committee of revenue. What was his office and power during Mr. Hastings's administration since 1780?—He was formerly dewan to the provincial council stationed at Calcutta, of which I was a member. His conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be an humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavoured to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices; a different pretence was held out for our dismission, but it was only a pretence. Since his appointment as dewan to the present committee of revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale. What was the general opinion of the natives of the use he made of his power?—He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favour and employment from the Governor. There is hardly a native family of rank or credit within the three provinces whom he has not some time or other distressed and afflicted; scarce a zemindary that he has not dismembered and plundered. Was you in a situation to know this to be true?—I certainly was. What was the general opinion, and your own, concerning his wealth?—It is almost impossible to form a competent judgment, his means of acquiring it have been so extensive. I had an account shown to me about July, 1785, stating his acquisitions at three hundred and twenty lacks of rupees, that is, £3,200,000."

My lords, I have only to add, that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is uncertain; but the enormity of his wealth is universally believed: yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire what recommended him particularly to Mr. Hastings. Your lordships have seen that he was on the point of being dismissed for misbehaviour and oppression by that Calcutta committee, his services to which Mr. Hastings gives as one proof of his constant and uniform good behaviour.

"He had executed," he says, "the duties of his office with fidelity, diligence, and ability." These are his public merits; but he has private merits:—"To myself," says he, "he has given proofs of constancy and attachment."

Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask what those services were which have so strongly recommended him to Mr. Hastings, and induced him to speak so favourably of his public services. What those services are does not appear; we have searched the records for them (and those records are very busy and loquacious), about that period of time, during which Mr. Hastings was labouring under an eclipse, and near the dragon's mouth, and all the drums of Bengal beating to free him from this dangerous eclipse. During this time there is nothing publicly done, there is nothing publicly said, by Gunga Govin Sing. There were then some services of Gunga Govin Sing that lie undiscovered, which he takes as proofs of attachment. What could they be? they were not public; nobody knows anything of them; they must, by reference to the time, as far as we can judge of them, be services of concealment. Otherwise, in the course of this business it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govin Sing to him were. *His* services to Gunga Govin Sing were pretty conspicuous; for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the council were about to set them at liberty, they were set at liberty themselves; they were dismissed their offices. Your lordships see, then, what his public services were. His private services are unknown; they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were that recommended him to Mr. Hastings.

Having looked at his public services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your lordships hear what reward he thought proper to secure for himself; and, I believe, a man who has power like Gunga Govin Sing, and a

disposition like Gunga Govin Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself, and virtue is said to be its own reward, the virtue of Gunga Govin Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself; but that it was necessary for the honour and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your lordships will observe, that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagepore, from whence he had taken the bribe of £40,000. My lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect) the responsibility of this day,—he was, I say, shameless enough, not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors; for he has really done so by making it impossible almost to know anything of the true state of that country: and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govin Sing with his parting authority, which authority he made the people there believe would be greater in England than it was in India, but he is an evidence; he declares, that "to his own knowledge these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government."

My lords (as I said), Mr. Hastings becomes a witness, and, I believe, in the course of the proceedings you will find, a false witness, for Gunga Govin Sing. "To my own knowledge," says he, "they are vacant." Why, I cannot find that Mr. Hastings had ever been in Dinagepore; or, if he had, it must have been only as a passenger. He had not the supervision of the district in any other sense than with that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles' eyes are commonly used. He becomes, you see, a witness for Gunga Govin Sing, and orders to be given him,

as a recompense for all the iniquitous acts this man committed, the lands of that very Rajah who through the hands of Gunga Govin Sing had given an enormous bribe to Mr. Hastings. These lands were not without an ownership, but were lands in the hands of the Rajah, and were to be severed from the zemindary and given to Gunga Govin Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of dewan to the Calcutta committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govin Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though in this country we know a son may possibly be free from the control of his father, yet the meanest slave is not in a more abject condition of slavery than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care that a full and fair rent is secured to government; and above all it is his business to take care of the body of laws, the royjaun mulluck, or custom of the country, of which he is the guardian as the head of the law. It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split, or any portion of it separated, without the consent of the government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under colour of a fraudulent and fictitious sale. By the laws of that country, by the common laws of nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man who ought to have prevented such an act: he has the same

sacred guardianship of minors that the Chancellor of England has.—This man got to himself those lands by a fraudulent and probably forged deed, for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him; he did not dare to quarrel with him upon such an article, because he who would purchase could take.

The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than the law of this, gave apparently his consent. And these were the very lands that Mr. Hastings speaks of as "lands entirely at the disposal of government." All this came before the council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast oppressive weight taken off it,—there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly, this minor Rajah got some person kind enough to tell him that he was a minor,—that he could not part with his estate; and this, with the other shocking and illegal parts of the process, was stated by him to the council, who had Mr. Hastings's recommendation of Gunga Govin Sing before them. The council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous daring piece of iniquity, began to inquire further, and to ask, how came this his near relation to consent? He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting anything for it; the wickedness was in him, and the profit in Gunga Govin Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another atrocious iniquity, that shows you the powers which Gunga Govin Sing possessed.—"Gunga Govin Sing," says he, "is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me for ever, if I had not been invited to that funeral festival." These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may

depend upon it, in a royal manner, by him, upon burying his mother: any person left out was marked, despised, and disgraced. "But he had it in his power, and I was threatened to be deprived of my caste by his register, who had the caste in his absolute disposition." Says he, "I was under terror, I was under duresse, and I did it."

Gunga Govin Sing was fortified by the opinion that the Governor, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now! I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govin Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent, barefaced denials and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zemindary might be parted without the consent of the government, —that a minor might be deprived of it,—that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings's great refuge; he was driven to say, "the government in this country has arbitrary power, —the power of government is everything,—the right of the subject nothing;—they have at all times separated zemindaries from their lawful proprietors. Give me what Mr. Hastings has constantly given to other people without any right, or shadow or semblance of right, at all."—God knows, it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your lordships, that it would hardly be believed, were it not that I am constantly, as I hope I shall constantly be, guarded with evidence, and that the strongest that can be, even the evidence of the parties themselves.

"From your inquiry (Gunga Govin Sing says to the

council) every circumstance will appear in its true colours. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favour and countenance of the ruling powers.

"By what means did this zemindar of Dinagepore get possession of purgunnah Buttassim after the death of Rycobad Chowdry, in 1158; of purgunnah Coolygong after the death of Sahebrance Chowderanne, in the same year, notwithstanding his heirs existed; and of purgunnah Suntoe, &c., during the lifetime of Sumboonant, the zemindar, in 1167,—all without right, title, or pecuniary consideration? This has been the case with many purgunnahs in his zemindary, and indeed exists in many other zemindaries besides, since the Company's accession. Ramkissen, in 1172, got possession of Nurrulloor, the zemindary of Mahomed Ali: the purgunnah of Ichanguipore, &c., was in three divisions, in 1173. The petition of Govin Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share. Purgunnah Baharbund belonged to the zemindary of Ranny Bhowanny, and, in 1180, was made over to Lucknaut Nundy. All these changes took place in the lifetime of the rightful possessors, without right, title, or purchase."

Your lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom your lordships have heard before, called Cantoo Baboo, the banyan of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of a part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings's banyan; and then (you see the consequence of good examples) comes Gunga Govin Sing, and says, I am as good a man as he; there is a zemindary given; then do as much for Gunga Govin Sing as you have done for Cantoo Baboo. Here is an argument drawn from the practice of Mr. Hastings. And this shows your lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings; and no man will hereafter dare to rob minors, no man will

hereafter dare to rob widows, to give to the vilest of mankind, their own base instruments, for their own nefarious purposes, the lands of others without right, title, or purchase.

My lords, I will not after this state to you the false representation of the value of these lands, which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them, as shall be stated when it comes before your lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as they illustrate principles, and to show how precedents spread.

I believe, your lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavour to do, as much as possible of the grounds of them. I will venture to say, that no description that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your lordships with the strength which they have in themselves; and your lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase; give it to me without right, title, or purchase;—give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of this exemplary grant, of this pattern for future proceedings, I will show your lordships the consequence.

I will read to your lordships part of the examination of a witness, taken from a report of a committee of the House of Commons.

"Are you acquainted with the situation of the zemindary of Baharbund?—It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighbourhood. To whom did it originally belong?—I believe, to the zemindary of Radshi, belonging to Ranny Bhowanny. For what reason was it taken from the Ranny of Radshi and given to Cantoo Baboo?—I do not exactly recollect: I believe, on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in the revenue, owing to mismanagement. On what terms was it granted to Cantoo Baboo or his son?—I believe it was a grant in perpetuity, at the revenue of rupees 82,000 or 83,000 per annum. What amount did he

collect from the country?—I cannot tell. The year I was in that neighbourhood, the settlement with his under-tenants was something above 3,53,000 rupees. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the committee of revenue. They were stopped at Cossimbuzar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, in what manner I cannot say."

Your lordships see, Mr. Hastings's banyan got this zemindary belonging to this venerable lady, unable to protect herself; that it was granted to him without right, title, or purchase. To show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called * * * * * * * * * for some favour from government, which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, "I have never entertained any such intention or idea," that is, of seizing upon other people's zemindaries, "neither am I at all desirous of acquiring any other person's zemindary in this country," &c. * * * *

[*The document read here is wanting, ending*] "as several Calcutta banyans have done," &c. * * * * *

He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govin Sing govern himself upon the direct precedent of Cantoo Baboo, the banyan of Mr. Hastings; and this other instrument of his in like manner calls upon government for favour of some kind or other, upon the same principle and the same precedent.

Your lordships now see how necessary it was to say something about arbitrary power: for, first, the wicked people of that country (Mr. Hastings's instruments I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off and have recourse to arbitrary power; and say, It is true, I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right; but you have arbi-

trary power: you have exercised it upon other occasions; exercise it upon this; give me the rights of other people. This was the last act, and, I hope, will be the last act of Mr. Hastings's wicked power, done by the wickedest man in favour of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your lordships with; I will now state the conduct of the council, and the resolution about Gunga Govin Sing. I am to inform your lordships, that there was a reference made by the council to the committee of revenue, namely, to Gunga Govin Sing himself; a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the committee, being such as I have described, very naturally were silent. Gunga Govin Sing *loquitur solus*—in the manner you have just heard; the committee were the chorus; they sometimes talk,—fill up a vacant part, but Gunga Govin Sing was the great actor, the sole one. The report of this committee being laid before the council, Mr. Stables, one of the board, entered the following minute on the fifteenth of May, 1785: "I have perused the several papers upon this subject, and am sorry to observe that the committee of revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away—I mean, on the actual value of the lands in question: what the amount derived from them has been in the last year, and what advantages or disadvantages to government by the sale; and whether, in their opinion, the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govin Sing, the dewan, to enter into the particular assertions of each party.

"The representations of the Rajah's agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses, '*that their common enemies would set aside the act before it was complete*,' show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial.

"But it is clearly established and admitted by the language and writings of both parties, that there has been a most unwarrantable collusion in endeavouring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, '*that no zemindar, and other landholder, paying revenue to government, shall be permitted to alienate his lands, without the express authority of that government.*'

"The defence set up by Gunga Govin Sing does not go to disavow the transaction; for, if it did, the deed of sale, &c., produced by himself, and the petition to the board for its confirmation, would detect him; on the contrary, he openly admits its existence, and only strives to show that it was a voluntary one on the part of the Ranny and the servants of the Rajah. Whether voluntary or not, was equally criminal in Gunga Govin Sing, as the public officer of government, because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct, as dewan and native guardian of the public rights intrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but as dewan, and exercising the efficient office of canongoe, to prevent, detect, expose, and apprize his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his hereditary possessions, as he would have been if this transaction had not been detected; whereas, on the contrary, the dewan is himself the principal mover and sole instrument in that fraud and robbery, if I am rightly informed,[1] to the amount of 42,474 rupees in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to (in my opinion) a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

"If offences of this dark tendency and magnitude were

[1] Vakeel states Mofussil Jumma, of Salbarry, for 1,191 Sa Rs 96,229
Purchase money 53,755
Per annum, loss 42,474

not to be punished in a public manner, the high example here set the natives employed under the government by their first native officer would very soon render our authority contemptible, and operate to the destruction of the public revenues.—I will not dwell further on the contradictions in these papers before us on this subject.

"But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer, and how sacredly they have viewed the public institutes on this subject, which have been violated and trampled on; and it will suffice to show their public orders on a similar instance, which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting.

"I desire the board's letter to the committee on this subject, dated the 31st May, 1782, may be read, and a copy be annexed to this minute.

"I therefore move the board, that Gunga Govin Sing may be forthwith required to surrender the original deeds produced by him, as a title to the grant of Salbarry, in order that they may be returned to the Rajah's agents, to be made null and void.

"I further move the board, that the dewan Gunga Govin Sing, together with his naib Prawn Kishin Sing, his son, and all his dependants, be removed from their offices, and that the roy royan, Rajah Rajebullub, whose duty only Gunga Govin Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govin Sing be ordered to deliver up all official papers of the sircar to the committee of revenue and the roy royan, and that they be ordered accordingly to take charge of them, and finally settle all accounts."—This motion was overruled, and no final proceeding appears.

My lords, you have heard the proceedings of the court before which Gunga Govin Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your lordships will judge by that last act of Mr. Hastings what the rest of his whole life was.—My lords, I do not mean now to go further than just to

remind your lordships of this, that Mr. Hastings's government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of supersession of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government, in order to defeat the ends which all governments ought in common to have in view. Thus, my lords, I show you, at one point of view, what you are to expect from him in all the rest. I have, I think, make out as clear as can be to your lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual; that it was not urged upon him at the moment, but was regular and systematic. I have shown to your lordships the operation of such a system on the revenues.

My lords, Mr. Hastings pleads one constant merit to justify those acts; namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that it will considerably tend to the increase of the revenue.—Your lordships will see, when he sold to wicked men the province of Bahar, in the same way in which Debi Sing had this province of Dinagepore, that consequences of a horrid and atrocious nature (though not to so great an extent) followed from it. I will just beg leave to state to your lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another provincial council; that he turned out that provincial council, and sold that government to two wicked men,—one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanours in a subordinate situation of government.

Mr. Hastings destroyed the council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man,—this bankrupt, this man of evil and desperate character, this mismanager of the public revenue in an inferior station; and, as he

had given Bengal to Gunga Govin Sing, he gave this province to Rajahs Kelleram and Cullian Sing.

It was done upon this principle, that they would increase and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was giving a bribe of £40,000 to Mr. Hastings. How he disposed of it I don't know. He says, I disposed of it to the public, and it was in a case of emergency. You will see in the course of this business the falsehood of that pretence; for you will see, though the obligation is given for it as a round sum of money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue?—The very reverse. Those persons who had given this bribe of £40,000, at the end of that year were found £80,000 in debt to the Company. The Company always loses when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue, the Company loses often double. But I hope and trust your lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances, instead of one of the advantages, of this system.

It has been necessary to lay these facts before you (and I have stated them to your lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things that disgrace human nature), that you may be enabled fully to enter into the dreadful consequences which attend a system of bribery and corruption in a governor-general. On a transient view bribery is rather a subject of disgust than horror,—the sordid practice of a venal, mean, and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another; at worst a theft. But it will appear in a very different light, when you regard the consideration for which the bribe is given; namely, that a governor-general, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of a

whole people to the arbitrary discretion of any wicked and rapacious person, who will be sure to make good from their blood the purchase he has paid for his power over them. It is possible that a man may pay a bribe merely to redeem himself from some evil. It is bad, however, to live under a power whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the public money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst), because none but those who do not scruple the use of any means are capable, consistently with profit, to discharge at once the rigid demands of a severe public revenue and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure. The authority that is to restrain, to control, to punish them, is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But when once the line of just and legal demand is transgressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know that men must be well paid (and they ought to be well paid) for the performance of honourable duty, can we think that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness, for the sole emolument of dishonest employers? No; they must have their full share of the prey, and the greater share as they are the nearer and more necessary instruments of the general extortion. We must not therefore flatter ourselves, when Mr. Hastings takes

£40,000 in bribes for Dinagepore and its annexed provinces, that from the people nothing more than £40,000 is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course, and all a necessary consequence involved in the very substance of Mr. Hastings's bribery.

I, therefore, charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six provincial councils, which he had no right to destroy.

I charge him with having delegated to others that power which the act of parliament had directed him to preserve unalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of £62,000 per annum.

I charge him with having appointed a person their dewan, to whom these Englishmen were to be subservient tools; whose name, to his own knowledge, was by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by everything that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power which he had thus separated from the council-general and from the provincial councils.

I charge him with taking bribes of Gunga Govin Sing.

I charge him with not having done that bribe service which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having, without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians

of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world; and by whom the Rajah, his family and dependants were cruelly oppressed.

I charge him with having committed to the management of Debi Sing three great provinces; and thereby, with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honour of the whole female race of that country.

In the name of the Commons of England, I charge all this villany upon Warren Hastings, in this last moment of my application to you.

My lords, what is it that we want here to a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much iniquity ever laid to the charge of any one?—No, my lords, you must not look to punish any other such delinquent from India.—Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor you want?—You have before you the Commons of Great Britain as prosecutors; and, I believe, my lords, that the sun in his beneficent progress round the world does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of nature, united by the bond of a social and moral community;—all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My lords, here we see virtually in the mind's eye that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as the fond wishes of the people of England wish an heir-apparent of the

crown to be. We have here all the branches of the royal family in a situation between majesty and subjection, between the sovereign and the subject,—offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My lords, we have a great hereditary peerage here; those who have their own honour, the honour of their ancestors, and of their posterity, to guard; and who will justify, as they have always justified, that provision in the constitution by which justice is made an hereditary office. My lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun: we have those who by various civil merits and various civil talents have been exalted to a situation which they well deserve, and in which they will justify the favour of their sovereign, and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place in which they administered high though subordinate justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My lords, you have here also the lights of our religion; you have the bishops of England. My lords, you have that true image of the primitive church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity; a religion which so much hates oppression, that when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people,—and thereby made it a firm and ruling principle, that their welfare was the object of all government; since the person, who was the Master of Nature, chose to appear himself in a subordinate situation. These are the consider-

ations which influence them, which animate them, and will animate them, against all oppression; knowing, that He who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made Himself "the servant of all."

My lords, these are the securities which we have in all the constituent parts of the body of this House. We know them, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore, it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esq., of high crimes and misdemeanours.

I impeach him in the name of the Commons of Great Britain in parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people in India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life.

*** After Mr. Burke had concluded these opening speeches, the first article of the impeachment was brought forward on the 22nd of February, 1788, by Mr. Fox, and supported by Mr. Grey on the 25th. After the evidence upon this article had been adduced, it was summed up and enforced by Mr. Anstruther on the 11th day of April following.

The next article with which the Commons proceeded, was brought forward on the 15th of April, 1788, by Mr. Adam, and supported by Mr. Pelham; and the evidence, in part upon the second article of charge, was summed up and enforced on the 3rd of June, by Mr. Sheridan.

On the 21st of April, 1789, Mr. Burke opened the sixth charge, bribery and corruption, in the following speech, which was continued on the 21st of April, and on the 5th and 7th of May, in the same session.

TRIAL.

TUESDAY, 21ST APRIL, 1789.

(MR. BURKE.)

MY LORDS,—An event which had spread for a considerable time an universal grief and consternation through this kingdom, and which, in its issue, diffused as universal and transcendent a joy, has, in the circumstances both of our depression and of our exaltation, produced a considerable delay, if not a total suspension of the most important functions of government.

My lords, we now resume our office; and we resume it with new and redoubled alacrity, and we trust under not less propitious omens than when we left it in this House, at the end of the preceding session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from a House where the last steps were taken, and I suppose something has happened similar in this, to prepare our way to attend with the utmost solemnity in another place a great national thanksgiving for having restored the sovereign to his parliament, and the parliament to its sovereign.

But, my lords, it is not only in the house of prayer that we offer to the First Cause the acceptable homage of our rational nature—my lords, in this House, at this bar, in this place, in every place where His commands are obeyed, His worship is performed. And, my lords, I must boldly say (and I think I shall hardly be contradicted by your lordships, or by any persons versed in the law which guides us all), that the highest act of religion, and the highest homage which we can and ought to pay, is an imitation of the Divine perfections as far as such a nature can imitate such perfections; and that by this means alone we can make our homage acceptable to Him.

My lords, in His temple we shall not forget that His most distinguished attribute is justice, and that the first link in

the chain by which we are held to the Supreme Judge of all is justice; and that it is in this solemn temple of representative justice we may best give Him praise, because we can here best imitate His divine attributes. If ever there was a cause in which justice and mercy are not only combined and reconciled, but incorporated, it is in this cause of suffering nations which we now bring before your lordships, this second session of parliament, unwearied and unfatigued in our persevering pursuit; and we feel it to be a necessary preliminary, a necessary fact, a necessary attendant and concomitant of every public thanksgiving, that we should express our gratitude by our virtues, and not merely with our mouths; and that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My lords, these considerations, independent of those which were our first movers in this business, strongly urge us at present to pursue with all zeal and perseverance the great cause we have now in hand. And we feel this to be the more necessary because we cannot but be sensible that light, unstable, variable, capricious, inconstant, fastidious minds soon tire in any pursuit that requires strength, steadiness, and perseverance. Such persons, who we trust are but few, and who certainly do not resemble your lordships nor us, begin already to say, How long is this business to continue? Our answer is,—It is to continue till its ends are obtained.

We know that by a mysterious dispensation of Providence injury is quick and rapid, and justice slow; and we may say, that those who have not patience and vigour of mind to attend the tardy pace of justice, counteract the order of Providence, and are resolved not to be just at all. We therefore, instead of bending the order of nature to the laxity of our characters and tempers, must rather confirm ourselves by a manly fortitude and virtuous perseverance to continue within those forms, and to wrestle with injustice, until we have shown that those virtues which sometimes wickedness debauches into its cause, such as vigour, energy, activity, fortitude of spirit, are called back and brought to their true and natural service; and that in the pursuit of wickedness, in the following it through all the winding recesses and mazes of its artifices, we shall show as much vigour, as much con-

stancy, as much diligence, energy, and perseverance as any others can do in endeavouring to elude the laws and triumph over the justice of their country. My lords, we have thought it the more necessary to say this, because it has been given out that we might faint in this business: No, we follow, and trust we shall always follow, that great emblem of antiquity, in which the person who held out to the end of a long line of labours, found the reward of all the eleven in the twelfth. Our labour, therefore, will be our reward; and we will go on, we will pursue with vigour and diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it.

I think it necessary to say a word too upon another circumstance, of which there is some complaint, as if some injustice had arisen from voluntary delay on our part.

I have already alluded to, first, the melancholy, then, the joyful occasion of this delay; and I shall now make one remark on another part of the complaint, which I understand was formally made to your lordships, soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged that the length of the pursuit had already very much distressed the person who is the object of it; that it leaned upon a fortune unequal to support it, and that £30,000 had been already spent in the preliminary preparations for the defence.

My lords, I do admit that all true, genuine, and unadulterated justice considers with a certain degree of tenderness the person whom it is called to punish, and never oppresses those by the process who ought not to be oppressed but by the sentence of the court before which they are brought. The Commons have heard, indeed, with some degree of astonishment that £30,000 hath been laid out by Mr. Hastings in this business. We who have some experience in the conduct of affairs of this nature, we who profess to proceed with regard not to the economy so much as to the rigour of this prosecution (and we are justified by our country in so doing), upon a collation and comparison of the public expenses with those which the defendant is supposed to have incurred, are much surprised to hear it; we suppose that his solicitors can give a good account to him of those expenses, that the thing is true, and that he has actually

through them incurred this expense. We have nothing to do with this: but we shall remove any degree of uneasiness from your lordships' minds and from our own, when we show you, in the charge which we shall bring before you this day, that one bribe only received by Mr. Hastings, the smallest of his bribes, or nearly the smallest, the bribe received from Rajah Nobkisson, is alone more than equal to have paid all the charges Mr. Hastings is stated to have incurred: and if this be the case, your lordships will not be made very uneasy in a case of bribery by finding that you press upon the sources of peculation.

It has also been said, that we weary out the public patience in this cause. The House of Commons do not call upon your lordships to do anything of which they do not set the example. They have very lately sat in the Colchester committee as many, within one or two, days successively as have been spent in this trial interruptedly in the course of two years. Every cause deserves that it should be tried according to its nature and circumstances; and in the case of the Colchester committee, in the trial of paltry briberies of odd pounds, shillings, and pence, in the corruption of a returning officer, who is but a miller, they spent nearly the same number of days that we have been inquiring into the ruin of kingdoms by the peculation and bribery of the chief governor of the provinces of Bengal, Bahar, and Orissa. Therefore, God forbid that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when for a small crime as much time has been spent as has yet been spent in this great cause.

Having now cleared the way with regard to the local and temporary circumstances of this case; having shown your lordships that too much time has not been spent in it; having no reason to think, from the time which has hitherto been spent, that time will be unnecessarily spent in future, I trust your lordships will think that time ought neither to be spared nor squandered in this business; we will therefore proceed article by article, as far as the discretion of the House of Commons shall think fit for the justice of the case to limit the inquiry, or to extend it.

We are now going to bring before your lordships the sixth article. It is an article of charge of bribery and corruption

against Mr. Hastings; but yet we must confess that we feel some little difficulty *in limine*. We here appear in the name and character not only of representatives of the Commons of Great Britain, but representatives of the inhabitants of Bengal: and yet we have had lately come into our hands such ample certificates, such full testimonials, from every person in whose cause we complain, that we shall appear to be in the strangest situation in the world,—the situation of persons complaining, who are disavowed by the persons in whose name and character they complain. This would have been a very great difficulty in the beginning, especially as it is come before us in a flood-tide of panegyric. No encomium can be more exalted, or more beautifully expressed. No language can more strongly paint the perfect satisfaction, the entire acquiescence of all the nations of Bengal, and their wonderful admiration of the character of the person whom we have brought as a criminal to your bar upon their part. I do admit that it is a very awkward circumstance; but yet, at the same time, the same candour which has induced the House of Commons to bring before you the bosom friends and confidants of Mr. Hastings as their evidence, will not suffer them to suppress or withhold for a moment from your lordships this universal voice of Bengal, as an attestation in Mr. Hastings's favour, and we shall produce it as a part of our evidence. Oh! my lords, consider the situation of a people who are forced to mix their praises with their groans, who are forced to sign with hands which have been in torture, and with the thumb-screws but just taken from them, an attestation in favour of the person from whom all their sufferings have been derived. When we prove to you the things that we shall prove, this will, I hope, give your lordships a full, conclusive, and satisfactory proof of the misery to which these people have been reduced. You will see before you, what is so well expressed by one of our poets as the homage of tyrants, "that homage with the mouth, which the heart would fain deny, but dares not." Mr. Hastings has received that homage, and that homage we mean to present to your lordships; we mean to present it, because it will show your lordships clearly, that after Mr. Hastings has ransacked Bengal from one end to the other, and has used all the power which he derives from having every

friend and every dependant of his in every office from one end of that government to the other, he has not, in all those panegyrics, those fine high-flown eastern encomiums, got one word of refutation or one word of evidence against any charge whatever which we produce against him. Every one knows that in the course of criminal trials, when no evidence of *alibi* can be brought, when all the arts of the Old Bailey are exhausted, the last thing produced is evidence to character. His cause therefore is gone, when having ransacked Bengal he has nothing to say for his conduct, and at length appeals to his character. In those little papers which are given us of our proceedings in our criminal courts, it is always an omen of what is to follow; after the evidence of a murder, a forgery, or robbery, it ends in his character.—He has an admirable character—I have known him from a boy; he is wonderfully good; he is the best of men; I would trust him with untold gold; and immediately follows, guilty, death. This is the way in which in our courts character is generally followed by sentence. The practice is not modern. Undoubtedly Mr. Hastings has the example of criminals of high antiquity; for Caius Verres, Antonius, and every other man who has been famous for the pillage and destruction of provinces, never failed to bring before their judges the attestations of the injured to their character. Voltaire says, "Les bons mots sont toujours redits." A similar occasion has here produced a similar conduct. He has got just the same character as Caius Verres got in another cause; and the *laudationes*, which your lordships know always followed, to save trouble, we mean ourselves to give your lordships; we mean to give them with this strong presumption of guilt, that in all this panegyric there is not one word of defence to a single article of charge; they are mere lip-honours; but we think we derive from those panegyrics, which Mr. Hastings has had sent over as evidence to supply the total want of it, an indication of the impossibility of attaining it. Mr. Hastings has brought them here, and I must say we are under some difficulty about them, and the difficulty is this—we think we can produce before your lordships proofs of barbarity and peculation by Mr. Hastings: we have the proofs of them in specific provinces, where those proofs may be met by contrary proofs, or may lose their

weight from a variety of circumstances. We thought we had got the matter sure, that everything was settled, that he could not escape us after he had himself confessed the bribes he had taken from the specific provinces. But in what condition are we now? We have from those specific provinces the strongest attestations that there is not any credit to be paid to his own acknowledgments. In short, we have the complaints, concerning these crimes of Mr. Hastings, of the injured persons themselves; we have his own confessions: we shall produce both to your lordships. But these persons now declare, that not only their own complaints are totally unfounded, but that Mr. Hastings's confessions are not true, and not to be credited. These are circumstances which your lordships will consider in the view you take of this wonderful body of attestation.

It is a pleasant thing to see in these addresses the different character and modes of eloquence of different countries. In those that will be brought before your lordships, you will see the beauty of chaste European panegyric improved by degrees into high, oriental, exaggerated, and inflated metaphor. You will see how the language is first written in English, then translated into Persian, and then retranslated into English. There may be something amusing to your lordships in this, and the beauty of these styles may, in this heavy investigation, tend to give a little gaiety and pleasure. We shall bring before you the European and Asiatic incense. You will have the perfume shops of the two countries.

One of the accusations which we mean to bring against Mr. Hastings is upon the part of the zemindar Radanaut, of the country of Dinagepore. Now hear what the zemindar says himself—"As it has been learned by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late governor, Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esq., full of circumspection and caution,

civility and justice, superior to the conduct of the most learned: and by representing what is fact wipe away the doubts that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman and justice. No inhabitant ever experienced afflictions; no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benevolent and kind behaviour, never permitting one of us to sink in the pit of despondence; he supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He reëstablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My lords, here is a panegyric; and, directly contrary to the usual mode of other accusers, we begin by producing the panegyrics made upon the person whom we accuse. We shall produce along with the charge, and give as evidence, the panegyric and certificate of the persons whom we suppose to have suffered these wrongs. We suffer ourselves even to abandon, what might be our last resource, his own confession, by showing that one of the princes, from whom he confesses that he took bribes, has given a certificate of the direct contrary.

All these things will have their weight upon your lord-

ships' minds: and when we have put ourselves under this disadvantage (what disadvantage it is, your lordships will judge), at least we shall stand acquitted of unfairness in charging him with crimes directly contrary to the panegyrics in this paper contained. Indeed, I will say this for him, that general charge and loose accusation may be answered by loose and general panegyric, and that, if ours were of that nature, this panegyric would be sufficient to overset our accusation. But we come before your lordships in a different manner, and upon different grounds. I am ordered by the Commons of Great Britain to support the charge that they have made, and persevere in making, against Warren Hastings, Esq., late Governor-General of Bengal, and now a culprit at your bar: first, for having taken corruptly several bribes, and extorted by force, or under the power and colour of his office, several sums of money from the unhappy natives of Bengal.

The next article which we shall bring before you is, that he is not only personally corrupted, but that he has personally corrupted all the other servants of the Company; those under him, whose corruptions he ought to have controlled, and those above him, whose business it was to control his corruptions.

We purpose to make good to your lordships the first of these by submitting to you, that part of those sums which are specified in the charge, were taken by him with his own hand and in his own person; but that much the greater part have been taken from the natives by the instrumentality of his black agents, banyans, and other dependants; whose confidential connexion with him, and whose agency, on his part, in corrupt transactions, if his counsel should be bold enough to challenge us to the proof, we shall fully prove before you.

The next part and the second branch of his corruption, namely, what is commonly called his active corruption, distinguishing the personal under the name of passive, will appear from his having given, under colour of contracts, a number of corrupt and lucrative advantages, from a number of unauthorized and unreasonable grants, pensions, and allowances, by which he corrupted actively the whole service of the Company. And, lastly, we shall show, that by establish-

ing a universal connivance from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but bound it in a common league of iniquity to support mutually each other against the inquiry that should detect, and the justice that should punish, their offences. These two charges, namely, of his active and passive corruption, we shall bring one after the other, as strongly and clearly illustrating and as powerfully confirming each other.

The first which we shall bring before you is his own passive corruption, so we commonly call it. Bribes are so little known in this country, that we can hardly get clear and specific technical names to distinguish them; but, in future, I am afraid the conduct of Mr. Hastings will improve our law vocabulary. The first, then, of these offences with which Mr. Hastings stands charged here is receiving bribes himself or through his banyans; every one of these are overt acts of the general charge of bribery, and they are every one of them, separately taken, substantive crimes. But whatever the criminal nature of these acts was—and the nature was very criminal, and the consequences to the country very dreadful—yet we mean to prove to your lordships that they were not single acts, that they were not acts committed as opportunity offered, or as necessity tempted, or urged upon the occasion, but that they are parts of a general systematic plan of corruption, for advancing his fortune at the expense of his integrity; that he has, for that purpose, not only taken the opportunity of his own power, but made whole establishments, altered and perverted others, and created complete revolutions in the country's government, for the purpose of making the power which ought to be subservient to legal government subservient to corruption; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavoured to justify them by principle. These artifices we mean to detect; these principles we mean to attack, and, with your lordships' aid, to demolish, destroy, and subvert for ever.

My lords, I must say that in this business, which is a matter of collusion, concealment, and deceit, your lordships will perhaps not feel the same degree of interest as in the others. Hitherto you have had before you crimes of dignity.

You have had before you the ruin and expulsion of great and illustrious families; the breach of solemn public treaties; the merciless pillage and total subversion of the first houses in Asia: but the crimes which are the most striking to the imagination are not always the most pernicious in their effects: in these high, eminent acts of domineering tyranny, their very magnitude proves a sort of corrective to their virulence. The occasions on which they can be exercised are rare; the persons upon whom they can be exercised, few; the persons who can exercise them, in the nature of things, are not many. These high, tragic acts of superior, overbearing tyranny are privileged crimes; they are the unhappy, dreadful prerogative, they are the distinguished and incommunicable attributes, of superior wickedness in eminent station.

But, my lords, when the vices of low, sordid, and illiberal minds infect that high situation;—when theft, bribery, and peculation, attended with fraud, prevarication, falsehood, misrepresentation, and forgery;—when all these follow in one train: when these vices, which gender and spawn in dirt, and are nursed in dunghills, come and pollute with their slime that throne which ought to be a seat of dignity and purity, the evil is much greater. It may operate daily and hourly; it is not only imitable but improvable, and it will be imitated and will be improved, from the highest to the lowest, through all the gradations of a corrupt government. They are reptile vices. There are situations in which the acts of the individual are of some moment, the example comparatively of little importance. In the other, the mischief of the example is infinite.

My lords, when once a Governor-General receives bribes, he gives a signal to universal pillage to all the inferior parts of the service. The bridles upon hard-mouthed passion are removed, they are taken away, they are broken; fear and shame, the great guards to virtue next to conscience, are gone;—shame! how can it exist?—it will soon blush away its awkward sensibility; shame, my lords, cannot exist long when it is seen that crimes which naturally bring disgrace are attended with all the outward symbols, characteristics, and rewards of honour and of virtue;—when it is seen that high station, great rank, general applause, vast wealth, follow

the commission of peculation and bribery; is it to be believed that men can long be ashamed of that which they see to be the road to honour? As to fear, let a Governor-General once take bribes, there is an end of all fear in the service. What have they to fear? Is it the man whose example they follow that is to bring them before a tribunal for their punishment?—Can he open any inquiry? he cannot; he that opens a channel of inquiry under these circumstances opens a high road to his own detection. Can he make any laws to prevent it? none; for he can make no laws to restrain that practice without the breach of his own laws immediately in his own conduct. If we once can admit, for a single instant, in a Governor-General a principle however defended, upon any pretence whatever, to receive bribes in consequence of his office, there is an end of all virtue, an end of the laws, and no hope left in the supreme justice of the country. We are sensible of all these difficulties; we have felt them, and perhaps it has required no small degree of exertion for us to get the better of these difficulties, which are thrown in our way by a Governor-General accepting bribes, and thereby screening and protecting the whole service in such iniquitous proceedings.

With regard to this matter, we are to state to your lordships, in order to bring it fully and distinctly before you, what the nature of this distemper of bribery is in the Indian government. We are to state what the laws and rules are which have been opposed to prevent it, and the utter insufficiency of all that have been proposed: to state the grievance, the instructions of the Company and government, the acts of parliament, the constructions upon the acts of parliament. We are to state to your lordships the particular situation of Mr. Hastings. We are to state the trust the Company had in him for the prevention of all those evils; and then we are to prove that every evil, that all those grievances, which the law intended to prevent, which there were covenants to restrain, and with respect to which there were encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct, and immediate trust to prevent.—We are to prove to your lordships, that he is the man who, in his own person collectively, has done more mischief than all those persons whose evil practices have pro-

duced all those laws, those regulations, and even his own appointment.

The first thing that we shall do is to state, and which we shall prove in evidence, that this vice of bribery was the ancient, radical, endemical, and ruinous distemper of the Company's affairs in India, from the time of their first establishment there. Very often there are no words, nor any description, which can adequately convey the state of a thing like the direct evidence of the thing itself, because the former might be suspected of exaggeration. You might think that, which was really fact, to be nothing but the colouring of the person that explained it; and therefore I think that it will be much better to give to your lordships here a direct state of the presidency at the time when the Company enacted those covenants which Mr. Hastings entered into, and when they took those measures to prevent the very evils from persons placed in those very stations and in those very circumstances in which we charge Mr. Hastings with having committed the offences we now bring before you.

I wish your lordships to know that we are going to read a consultation of Lord Clive's, who was sent out for the express purpose of reforming the state of the Company, in order to show the magnitude of the pecuniary corruptions that prevailed in it.

"It is from a due sense of the regard we owe and profess to your interests and to our own honour, that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interest, to the national character, and to the existence of the Company in Bengal, to escape unnoticed and uncensured,—transactions which seem to demonstrate that every spring of this government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth.

"To illustrate these positions, we must exhibit to your view a most unpleasing variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our proceedings and the appendix; assuring you that we undertake this task with peculiar reluctance, from

the personal regard we entertain for some of the gentlemen whose characters will appear to be deeply affected.

"At Fort St. George we received the first advices of the demise of Meer Jaffier, and of Shuja Dowla's defeat. It was there firmly imagined that no definitive measures would be taken, either in respect to a peace, or filling the vacancy in the nizamut, before our arrival; as the Lapwing arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose; for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the board, or rather transcribed, with few unimportant additions, from that concluded with Meer Jaffier; and a deputation, consisting of Messrs. Johnstone senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson: and for this measure such reasons are assigned as ought to have dictated a diametrically opposite resolution. Miran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands, at a juncture when it became indispensably necessary we should realize that shadow of power and influence, which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded; nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview in so earnest and indelicate a manner as highly disgusted him and chagrined his ministers; while not a single rupee was stipulated for the Company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury before impoverished, but now totally exhausted.

"This scene of corruption was first disclosed, at a visit the Nabob was paid, to Lord Clive and the gentlemen of the committee a few days after our arrival. He there delivered to his lordship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near twenty lacks of rupees, issued from his

treasury for purposes unknown during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the latter to the board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance, entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent.

"Mahomed Reza Cawn, the naib subah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the committee the very extraordinary narrative entered in our proceedings, the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligations. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period exhibited to the honourable court of directors, at least never vouched by such undeniable testimony and authentic documents: by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Moolyram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomed Reza Cawn, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves whose names are specified in the distribution list.

"Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st June, it fully appears, that the presents from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of seventeen lacks, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge indeed is denied on the one hand, as well as affirmed on the other. Your honourable board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders;—the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we

speak from conviction, founded upon indubitable facts, that besides the above sums specified in the distribution account, to the amount of £228,125 sterling, there was likewise to the value of several lacks of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Cawn."

(Signed at the end) "Clive.—Wm B. Sumner.—John Carnac.—H. Verelst.—Fra^{s} Sykes."

This paper cannot be denied to be a paper of weight and authenticity, because it is signed by a gentleman now in this house, who sits on one side of the gentleman at your bar, as his bail. This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it might be sufficient for me, in this part of the business, to show was, when Mr. Hastings was sent to India, a prevalent evil.

But my lords, it is necessary that I should show to you something more, because, *primâ fronte*, this is some exculpation of Mr. Hastings: for, if he was only a partaker in a general misconduct, it was rather *vitium loci et vitium temporis* than *vitium hominis*. This might be said in his exculpation. But I am next to show your lordships the means which the Company took for removing this grievance; and that Mr. Hastings's peculiar trust—the great specific ground of his appointment—was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. I wish your lordships to advert to one particular circumstance, namely, that the two persons who were bidders at this time, and at this auction of government, for the favour and countenance of the presidency at Calcutta, were Mahomed Reza Khân and Rajah Nundcomar. I wish your lordships to recollect this, by and by, when we shall bring before you the very same two persons, who in the same sort of transaction, and in circumstances exactly similar, or very nearly so, were candidates for the favour of Mr. Hastings.

My lords, our next step will be to show you, that the Company, in 1768, had made a covenant, expressly forbidding the taking of presents of above £400 value, in each present, by the Governor-General. I take it for granted this will not

be much litigated; they renewed and enforced that with other covenants and other instructions; and at last came an act of parliament, in the clearest, the most definite, the most specific words that all the wisdom of the legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

My lords, I think it is necessary to state, that there has been some little difficulty concerning this word *presents*. Bribery and extortion have been covered by the name of presents, and the authority and practice of the East has been adduced as a palliation of the crime. My lords, no authority of the East will be a palliation of the breach of laws enacted in the West: and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your lordships see that this is an entire mistake,—that there never was any custom of the East for it? I do not mean vicious practices and customs, which it is the business of good laws and good customs to eradicate. There are three species of presents known in the East: two of them, payments of money, known to be legal; and the other perfectly illegal, and which has a name exactly expressing it in the manner our language does. It is necessary that your lordships should see that Mr. Hastings has made use of a perversion of the names of authorized gifts, to cover the most abominable and prostituted bribery. The first of these presents is known in the country by the name of peshcush: this peshcush is a fine paid, upon the grant of lands, to the sovereign, or whoever grants them. The second is the nuzzer, or nuzzeranah, which is a tribute of acknowledgment from an inferior to a superior. The last is called reshwâat in the Persian language, that is to say, a bribe, or sum of money clandestinely and corruptly taken; and is as much distinguished from the others as, in the English language, a fine or acknowledgment is distinguished from a bribe. To show your lordships this, we shall give in evidence that whenever a peshcush or fine is paid, it is a sum of money publicly paid, and paid in proportion to the grant; and that the sum is entered upon the very grant itself. We shall prove the nuzzer is, in the same manner, entered, and that all legal fees are endorsed upon the body of the grant, for which they are

taken: and that they are no more in the East than in the West any kind of colour or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, and which are acknowledged and confessed to be illegal and corrupt. Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavours to confound these three things, I am only to remark, that the nuzzer is generally a very small sum of money; that it sometimes amounts to one gold mohr; that sometimes it is less, and that, in all the records of the Company, I have never known it exceed one gold mohr, or about thirty-five shillings: passing by the fifty gold mohrs which were given to Mr. Hastings by Cheit Sing, and a hundred gold mohrs which were given to the Mogul, as a nuzzer, by Mahomed Ali, Nabob of Arcot.

The Company, seeing that this nuzzer, though small in each sum, might amount at last to a large tax upon the country (and it did so in fact), thought proper to prohibit any sum of money to be taken upon any pretext whatever; and the Company, in the year 1775, did expressly explode the whole doctrine of peshcush, nuzzer, and every other private lucrative emolument, under whatever name, to be taken by the Governor-General: and did expressly send out an order, that *that* was the construction of the act, and that he was not even to take a nuzzer. Thus we shall show, that that act had totally cut up the whole system of bribery and corruption; and that Mr. Hastings had no sort of colour whatever for taking the money which we shall prove he has taken.

I know that positive prohibitions, that acts of parliament, that covenants, are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserved to be ill served, if they had not annexed such appointments to great trusts as might secure the persons entrusted from the temptations of unlawful emolument; and, what in all cases is the greatest security, given a lawful gratification to the natural passions of men. Matrimony is to be used as a true remedy against a vicious course of profligate manners: fair and lawful emoluments, and the just profits of office, are opposed to

the unlawful means which might be made use of to supply them; for, in truth, I am ready to agree that for any man to expect a series of sacrifices without a return in blessings, to expect labour without a prospect of reward, and fatigue without any means of securing rest, is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves endeavouring to have nothing paid them but the common returns of the worst parts of human infirmity.—And, therefore, I shall show your lordships, that the Company did provide large, ample, abundant means for supporting the Governor-General;—that Lord Clive, in the year 1765, and the council with him, of which Mr. Sumner, I am glad and proud to say, was one, did fix such an allowance as they thought a sufficient security to the Governor-General against the temptations attendant upon his situation; and, therefore, after they had fixed this sum, they say,—"that although by this means the governor will not be able to amass a million or half a million in the space of two or three years, yet he will acquire a very handsome independency, and be in that very situation which a man of honour and true zeal for the service would wish to possess. Thus situated, he may defy all opposition in council; he will have nothing to ask; nothing to propose but what he wishes for the advantage of his employers: he may defy the law, because there can be no foundation for a bill of discovery; and he may defy the obloquy of the world, because there can be nothing censurable in his conduct. In short, if stability can be insured to such a government as this, where riches have been acquired in abundance in a small space of time, by all ways and means, and by men with or without capacities, it must be effected by a governor thus restricted."—That is, a governor restricted from every emolument but that of his salary. I must remark, that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England; but it was fixed by the council themselves; fixed in India; fixed by those who knew and were in the situation of the Governor-General, and who knew what was necessary to support his dignity, and to preserve him from the temptation of corruption: and

they have laid open to you such a body of advantage arising from it as would lead any man who had a regard to his honour or conscience to think himself happy in having such a provision made for him, and, at the same time, every temptation to act corruptly removed far from him.

The emoluments of the office, though reduced from the original plan which Lord Clive had proposed, may be computed at near £30,000 a year, when Mr. Hastings was president;—£22,000 in certain money, and the rest in other advantages. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were craving for themselves their own allowance at the time. But, my lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings's own mouth. He says, in his letter to the court of directors, "Although I disclaim the consideration of my own interest in these speculations,[1] * * * * * * * * I have catched the desire of applause in public life."

Here Mr. Hastings confesses that the emoluments affixed to office were not only sufficient for the purposes and ends which the nature of his office demanded, and the support of present dignity, but that they were sufficient to secure him in a very few years a comfortable retreat; but his object in wishing to hold his office long was *to catch applause in public life.* What an unfortunate man is he who has so often told us, in so many places and through so many mouths, that, after fourteen years' possession of an office which was to make him a comfortable fortune in a few years, he is at length bankrupt in fortune, and, for his applause in public life, is now at your lordships' bar, and his accuser is his country. This, my lords, is to be unfortunate; but there are some misfortunes that never do or ever can arrive but through crimes. He was a deserter from the path of honour; at the turning of the two ways he made a glorious choice; he caught at the applause of ambition—which though I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree; and it adds a lustre to real virtue where it exists as the substratum

[1] Document not found.

of it. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honour before him, has chosen to plunge himself into the downward road to sordid riches?

My lords, I have shown the grievances that existed. I have shown the means that existed to put Mr. Hastings beyond a temptation to those practices of which we accuse him, even in his own opinion, if he will not follow his example in the House of Commons, and disavow this letter, as he has done his defence before them, and say he never wrote it. That situation, which was to afford him a comfortable fortune in a few years, he has held for many years; and therefore he has not one excuse to make for himself: but I shall show your lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar trust that was put in him, was to redress all those grievances.

My lords, I have stated to you the condition of India in 1765. You may suppose that the means that were taken—the regulations that were made by the Company at that period of time, had operated their effect; and that by the beginning of the year 1772, when Mr. Hastings came first to his government, these evils did not then require, perhaps, so vigorous an example or so much diligence in putting an end to them: but, my lords, I have to show you a very melancholy truth, that, notwithstanding all these means, the Company was of opinion that all these disorders had increased; and, accordingly, they say, "Without entering into all the grievous circumstances of this letter" [which was wrote on the 10th of April, 1773],—"we wish we could refute the observation, that almost every attempt made by us and our administration at your presidency for reforming abuses has rather increased them, and added to the misery of a country we are so anxious to protect and cherish." They say, that "when oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come

forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality. It is evident then that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of those evils, and we are happy in having reason to believe, that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity."

This is to show your lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show by the twenty-fifth paragraph of the same letter that they intrusted Mr. Hastings with this very great power from some particular hope they had, not only of his abstaining himself, which is a thing taken for granted, but of his restraining abuses through every part of the service; and therefore they say, "that in order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our governor and council must reässume and exercise their delegated powers upon every just occasion; punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which, to the reproach of government, prevailed in Bengal. Our president, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this we are sensible much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings's services upon the coast of Coromandel, in constructing with equal labour and ability the plan which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favour of his employers." Here are not only laws to restrain abuse; here are not only salaries to prevent the temptation to it; but here are praises to animate and encourage him; here is what very few men, even bad in other respects, have resisted; here is a great trust put in him to call upon him with particular vigour

and exertion to prevent all abuses through the settlement, and particularly these abuses of corruption. Much trust is put in his frugality, his order, his management of his private affairs; and from thence they hope that he would not ruin his own fortune, but improve it by honourable means; and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations. There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honour latent in their minds; and men who were nursed in a manner in corruption have been not only great reformers by institution, but greater reformers by the example of their own conduct. Then I am to show, that soon after his coming to that government there were means given him instantly of realizing those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

My lords, in the year 1772 the Company had received alarming advices of many disorders throughout the country: there were likewise at the same time circumstances in the state of the government, upon which they thought it necessary to make new regulations. The famine which prevailed in and devastated Bengal, and the ill use that was made of that calamity to aggravate the distress for the advantage of individuals, produced a great many complaints: some true, some exaggerated; but universally spread, as I believe is in the memory of those who are not very young among us. This obliged the Company to a very serious consideration of an affair which dishonoured and disgraced their government, not only at home, but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had alarmed their feelings; it had been marked, and had called the attention of the public upon them in an eminent manner.

Your lordships remember the death of Jaffier Ally Khân, the first of those soubahs who introduced the English power into Bengal. He died about four or five years before this period; he was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person of whom we have read an account to you. He was the natural son of the Nabob by a person called Munny

Begum, who, for the corrupt gifts, the circumstances of which we have recited, had, in prejudice of the lawful issue of the Nabob, been raised to the musnud; but as bastard slips, it is said in King Richard (an abuse of a scripture phrase), do not take deep root, this bastard slip, Nudjheem Dowla, shortly died, and the legitimate son, Syel O'Dowla, succeeded him. After him another legitimate son, Mobarick ul Dowla, succeeded in a minority. When I say *succeeded*, I wish your lordships to understand, that there is no regular succession in the office of soubah, or viceroy of the kingdom; but, in general, succession has been considered, and persons have been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favour of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

In consequence of these two circumstances, namely, the famine and the abuses that were supposed to arise from it, and from the circumstance of the minority of Mobarick ul Dowla, who now reigns or appears to reign,—in consequence of these two circumstances, the Company gave two sets of orders.

The first order related to Mahomed Reza Khân, who was (as your lordships remember I took, in the beginning of this affair, means of explaining) lord deputy of the province under the native government, the English holding the dewannee, and deputy dewan, or high steward, under the name of the English, and had the command of the whole revenue; and who was accused before the Company (the channel of which accusation we now learn) of having aggravated that famine by a monopoly for his own benefit. The Company, upon these loose and general charges, ordered, that he should be divested of his office, that he should be brought down to Calcutta, and there be obliged to render an account of his conduct.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mahomed Reza Khân. The offices which he held were in effect these:—he was guardian to the Nabob by the appointment of the Company; he had the care and management of his family; he had the care of the public

justice; and he represented that shadow of government to foreign nations, which it was the policy of the Company, at that time, to keep up. This was the person whom Mr. Hastings was ordered to remove; in consequence of which removal all these offices were to be supplied—of guardian of the Nabob's person and manager of his family; of chief magistrate; and of representative of the fallen dignity of the native government to the foreign nations which traded to Bengal.

To these orders was added an instruction of a very remarkable nature, which was a third trust that was given to Mr. Hastings; that during the Nabob's minority he should reduce the annual allowance, which was thirty-two lacks, to sixteen; and that, to prevent the abuse of this restricted sum, and to prevent its being directed by the minister's authority to other purposes than that for which the Company allowed it (that is to say, allowed him out of what was his own), of these sixteen lacks an account was to be regularly kept as a check upon the person so appointed, which account was ordered to be transmitted to Calcutta, and to be sent to England.

Now, we are to show your lordships what Mr. Hastings's conduct was upon all these occasions; and, for this, we mean to produce testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time I do admit, that there never was a positive testimony that did not stand something in need of the support of presumption; for as we know that witnesses may be perjured, and as we know that documents can be forged, we have recourse to a known principle in the laws of all countries, that circumstances cannot lie; and, therefore, if the testimony that is given was ever so clear and positive, yet, if it is contrary to the circumstances of the country, if it is contrary to the circumstances of the facts to which it alludes, if the deposition is totally adverse and alien to the characters of the persons,—then I will say, that though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses

were to swear that the chief justice of England, that the lord high chancellor, or the archbishop of Canterbury, was seen, in the robes of his function, at noon day, robbing upon the highway, it is not the clearness, the weight, the authority of testimonies, that could make me believe it; I should attribute it to any cause, either corruption, mistake, error, or madness, rather than believe that fact. Why? Because it is totally alien to the character of the persons, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, with his known conduct, with his known habits, with the situation and circumstances of the place that he is in, and with the very corrupt inherent nature of the act that he does, then much less proof than we are able to produce will serve; and according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle, and vicious motives in the act, will be strengthened the weakest evidence, or, if it comes to a sufficient height, the whole burthen of proof will be turned upon the party accused. And thus we shall think ourselves bound to show your lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions which preceded; we shall show the presumptions which accompanied the proof; and these, with the subsequent presumptions, will make it impossible to disbelieve them. Such a body of proof was never given upon any such occasion; and it is such proof as will prevail against the whole voice of corruption, that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the public voice; it will put it to silence by showing that your lordships have proceeded upon the strongest evidence, active and passive.

First, Mr. Hastings received a positive order to seize upon Mahomed Reza Khân. That order he executed with a military promptitude of obedience which will show your lordships what are the services which are congenial to his own mind, and which find in him always a ready acquiescence; a faithful agent, and a spirited instrument in the execution. The very day after he received the order, he sent up, privately, without communicating with the council, from whom

he was not ordered to keep this proceeding a secret; he sent up, and found that great and respectable man, and respectable magistrate, who was in all those high offices which I have stated; and if I was to compare them to circumstances and situations in this country, I should say, he had united in himself the character of first lord of the treasury, the character of chief justice, the character of lord high chancellor, and the character of archbishop of Canterbury; a man of great gravity, dignity, and authority, and advanced in years; had once £100,000 a year for the support of his dignity; and had at that time £50,000. This man, sitting in his garden reposing himself after the toils of his situation, for he was one of the most laborious men in the world, was suddenly arrested, and without a moment's respite dragged down to Calcutta, and there by Mr. Hastings (exceeding the orders of the Company) confined near two years, under a guard of soldiers. Mr. Hastings kept this great man for several months without even attempting the trial upon him. How he tried him afterwards your lordships may probably in the course of this business inquire; and you will then judge from the circumstances of that trial, that, as he was not tried for his crime, so neither was he acquitted for his innocence; but at present I leave him in that situation. Mr. Hastings, unknown to the council, having executed the orders of the Company in the last degree of rigour to this unhappy man, keeps him in that situation, without a trial, under a guard, separated from his country, disgraced and dishonoured, and by Mr. Hastings's express order not suffered either to make a visit or receive a visitor.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them; leaving him a very large power, and confiding in his justice, prudence, and impartiality, not to abuse a trust of such delicacy. But we shall prove to your lordships that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English government had formerly placed there. If *we* were

to insist that we could not possibly try Mr. Hastings, or come at his wickedness, until we had eradicated his influence in Bengal, and left not one man in it who was, during his government, in any place or office whatever; yet, though we should readily admit that we could not do the whole without it, at the same time rather than make a general massacre of every person presumed to be under his influence, we would leave some of his crimes unproved. He did avow and declare, that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mahomed Reza Khân; against whom no specific charge had been made. Yet upon loose and general charges did he seize upon this man, confine him in this manner, and every person who derived any place or authority from him, high or low, was turned out. Mr. Hastings had, in the Company's orders, something to justify him in rigour, but he had likewise a prudential power over that rigour; and he not only treated this man in the manner described, but every human creature connected with him, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step.

"I pretend not to enter into the views of others. My own were these. Mahomed Reza Khân's influence still prevailed generally throughout the country. In the Nabob's household, and at the capital, it was scarce affected by his present disgrace. His favour was still courted, and his anger dreaded. Who, under such discouragements, would give information or evidence against him? His agents and creatures filled every office of the nizamut and dewannee. How was the truth of his conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs which had been committed to his care into the hands of the most powerful or active of his enemies."

My lords, if *we* of the House of Commons were to desire and to compel the East India Company, or to address the crown, to remove according to their several situations and several capacities every creature that had been put into office by Mr. Hastings, because we could otherwise make no inquiry into his conduct, should we not be justified, by his

own example, in insisting upon the removal of every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he felt, great disadvantages in proceeding in the inquiry, while every situation in Bengal is notoriously held by his creatures, always excepting the first of all, but which we could show is nothing under such circumstances. Then what do I infer from this? from his obedience to the orders of the Company carried so much beyond necessity, and prosecuted with so much rigour; from the inquiry being suspended for so long a time; from every person in office being removed from his situation; from all these precautions being used as prefatory to the inquiry, when he himself says, that after he had used all these means, he found not the least benefit and advantage from them? The use I mean to make of this is, to let your lordships see the great probability and presumption that Mr. Hastings, finding himself in the very self-same situation that had occurred the year before, when Nundcomar was sold to Mahomed Reza Khân, of selling Mahomed Reza Khân to Nundcomar, made a corrupt use of it, and that as Mahomed Reza Khân was not treated with severity for his crimes, so neither was he acquitted for his innocence. The Company had given Mr. Hastings severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this man to languish in prison to the utter ruin of his fortune.

We have in part shown your lordships what Mr. Hastings's own manner of proceeding with regard to a public delinquent is; but at present we leave Mahomed Reza Khân where he was. Do your lordships think that there is no presumption of Mr. Hastings having a corrupt view in this business, and of his having put this great man, who was supposed to be of immense wealth, under contributions? Mr. Hastings never trusted his colleagues in this proceeding; and what reason does he give? why, he supposed that they must be bribed by Mahomed Reza Khân; for, says he, as I did not know their characters at that time, I did not know whether Mahomed Reza Khân had not secured them to his interest by the known ways in which great men in the East secure men to their interest. He never trusted his col-

leagues with the secret; and the person that he employed to prosecute Mahomed Reza Khân was his bitter enemy, Nundcomar. I will not go the length of saying that the circumstance of enmity disables a person from being a prosecutor; under some circumstances it renders a man incompetent to be a witness; but this I know, that the circumstance of having no other person to rely upon in a charge against any man but his enemy, and of having no other principle to go upon than what is supposed to be derived out of that enmity, must form some considerable suspicion against the proceeding: but in this he was justified by the Company; for Nundcomar, the great rival of Mahomed Reza Khân, was in the worst situation with the Company as to his credit. This Nundcomar's politics in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company; and accordingly he stood so ill with them by reason of Mr. Hastings's representations and those of his predecessors, that the Company ordered and directed, that if he could be of any use in the inquiry into Mahomed Reza Khân's conduct, some reward should be given him suitable to his services; but they caution Mr. Hastings at the same time against giving him any trust which he might employ to the disadvantage of the Company. Now Mr. Hastings began, before he could experience any service from him, by giving him his reward, and not the base reward of a base service, *money*, but every trust and power, which he was prohibited from giving him. Having turned out every one of Mahomed Reza Khân's dependants, he filled every office, as he avows, with the creatures of Nundcomar. Now when he uses a cruel and rigorous obedience in the case of Mahomed Reza Khân, when he breaks through the principles of his former conduct with regard to Nundcomar, when he gives *him*, Nundcomar, trust, whom he was cautioned not to trust, and when he gives him that reward before any service could be done; I say, when he does this in violation of the Company's orders and his own principles, it is the strongest evidence that he now found them in the situation in which they were in 1765, when bribes were notoriously taken, and that each party was mutually sold to the other, and faith kept with neither. The situation in which Mr. Hastings thus placed himself should have been dreaded by

him of all things, because he knew it was a situation in which the most outrageous corruption had taken place before.

There is another circumstance which serves to show that in the persecution of these great men, and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitabroy, who had a great share in the conduct of the revenues of Bahar. Mr. Hastings, in the letter to the Company complaining of the state of their affairs, and saying that there were great and suspicious balances in the kingdom of Bahar, does not even name the name of Shitabroy. There was an English counsellor, a particular friend of Mr. Hastings's there, under whose control Shitabroy acted. Without any charges, without any orders from the Company, Mr. Hastings dragged down that same Shitabroy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial; and when the trial came on, there was as much appearance of collusion in the trial as there was of rigour in the previous process. This is the manner in which Mr. Hastings executed the command of the Company for removing Mahomed Reza Khân.

When a successor to Mahomed Reza Khân was to be appointed, your lordships naturally expect from the character I have given of him, and from the nature of his functions, that Mr. Hastings would be particularly precise, would use the utmost possible care in nominating a person to succeed him, who might fulfil the ends and objects of his employment; and be at the same time beyond all doubt and suspicion of corruption in any way whatever. Let us now see how he fills up that office thus vacant. When the Company ordered Mahomed Reza Khân to be dispossessed of his office, they ordered at the same time that the salary of his successor should be reduced: that £30,000 was a sufficient recompense for that office. Your lordships will see by the allowance for the office, even reduced as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the dewannee from it, that is, the collection of the revenues; and having lessened his labours, they lessened his reward: they ordered that this person, who was to be guardian of the Nabob in his minority, and who was to represent the govern-

ment, should have but £30,000. The order they give is this:

"And that as Mahomed Reza Khân can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured.—Such person you will recommend to the Nabob, to succeed Mahomed Reza, as minister of the government and guardian of the Nabob's minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority.

"As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal, and insure his attachment to the Company; we therefore empower you to grant to the person whom you shall think worthy of this trust, an annual allowance, not exceeding three lacks of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good, and the safety and interest of the Company."

My lords, here they have given a reward, and they have described a person fit to succeed in all capacities the man whom they had thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company's orders in the manner of removing Mahomed Reza Khân from his office, let us see how he obeyed their order for filling it up. Your lordships will naturally suppose that he made all the orders of Mahomedan and Hindoo princes to pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and upon the collation of all these circumstances had chosen a person fit to be a regent to guard the Nabob's minority from all rapacity what-

ever, and fit to instruct him in everything. I will give your lordships Mr. Hastings's own idea of the person necessary to fill such offices:

"That his rank ought to be such as at least ought not to wound the Nabob's honour, or lessen his credit in the estimation of the people, by the magisterial command which the new guardian must exercise over him; with abilities and vigour of mind equal to the support of that authority; and the world will expect, that the guardian be especially qualified by his own acquired endowments to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to his birth, and to instruct him in the principles of his religion."

This, upon another occasion, is Mr. Hastings's sense of the man who ought to be placed in that situation of trust in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my lords; he appointed no man to fill that office. What, no man at all! No; he appointed no person at all in the sense which is mentioned there, which constantly describes a person at least of the male sex: he appointed a woman to fill that office; he appointed a woman in a country where no woman can be seen, where no woman can be spoken to by any one without a curtain between them; for all these various duties, requiring all these qualifications described by himself, he appointed a woman. Do you want more proof than this violent transgression of the Company's orders upon that occasion, that some corrupt motive must have influenced him?

My lords, it is necessary for me to state the situation of the family, that you may judge from thence of the corrupt motives of Mr. Hastings's proceedings. The Nabob Jaffier Ali Khân had among the women of his seraglio a person called Munny Begum; she was a dancing girl, whom he had seen at some entertainment; and as he was of a licentious turn, this dancing girl in the course of her profession as a prostitute so far inveigled the Nabob, that having a child, or pretending to have had a child, by him, he brought her into the seraglio; and the Company's servants sold to that son the succession of that father. This woman had been sold as a slave; her profession a dancer, her occupation a prostitute. And, my lords, this woman having put her natural son, as we

state, and shall prove, in the place of the legitimate offspring of the Nabob; having got him placed by the Company's servants on the musnud, she came to be at the head of that part of the household which relates to the women; which is a large and considerable trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in inferior situations. As soon as the legitimate son of the Nabob came to the musnud there was no ground for keeping this woman any longer in that situation; and upon an application of the Company to Mahomed Reza Khân, to know who ought to have the right of superiority; he answered, as he ought to have done, that though all the women of the seraglio ought to have honour, yet the mother of the Nabob ought to have the superiority of it. Therefore, this woman was removed, and the mother of the Nabob was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an eastern household, he ought to have kept the Nabob's mother there by the rules of that country.

What did he do? Not satisfied with giving to this prostitute every favour that she could desire (and money must be the natural object of such a person), Mr. Hastings deposes the Nabob's own mother, turns her out of the employment, and puts at the head of the seraglio this prostitute, who at the best in relation to him could only be a step-mother. If you heard no more, do your lordships want anything further to convince you that this must be a violent, atrocious, and corrupt act? suppose it had gone no further than the seraglio. But when I call this woman a dancing girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing girl. Her dancing was not any of those noble and majestic movements which make part of the entertainment of the most wise, of the education of the most virtuous, which improve the manners without corrupting the morals of all civilized people, and of which, among uncivilized people, the professors have their due share of admiration; but these dances were not decent to be seen, nor fit to be related. I shall pass them by. Your lordships are to suppose the lowest degree of infamy in

occupation and situation, when I tell you that Munny Begum was a slave and a dancing girl.

The history of the Munny Begum is this: "At a village called Balcunda, near Sekindra, there lived a widow, who, from her great poverty, not being able to bring up her daughter Munny, gave her to a slave girl belonging to Summin Ally Cawn, whose name was Bissoo. During the space of five years she lived at Shahjehunabad, and was educated by Bissoo after the manner of a dancing girl. Afterwards the Nabob Shamut Jung, upon the marriage of Ikram ul Dowla, brother to the Nabob Surage ul Dowla, sent for Bissoo Beg's set of dancing girls from Shahjehunabad, of which Munny Begum was one, and allowed them 10,000 rupees for their expenses, to dance at the wedding. While the ceremony was celebrating, they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffier Cawn then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length finding that Munny was pregnant, he took her into his own house. She gave birth to the Nabob Nijum ul Dowla, and in this manner has she remained in the Nabob's family ever since."

Now it required a very peculiar mode of selection to take such a woman, so circumstanced (resembling whom there was not just such another), to depose the Nabob's own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse, and would have implied corruption in the grossest degree, if Mr. Hastings had stopped there; he not only did this, but he put *her*, this woman, in the very place of Mahomed Reza Khân; he made her guardian, he made her regent, he made her viceroy, he made her the representative of the native government of the country in the eyes of strangers. There was not a trust, not a dignity in the country which he did not put, during the minority of this unhappy person, her step-son, into the hands of this woman.

Reject, if you please, the strong presumption of corruption in disobeying the order of the Company, directing him to select a *man* fit to supply the place of Mahomed Reza Khân, to exercise all the great and arduous functions of govern-

ment and of justice, as well as the regulations of the Nabob's household; and then I will venture to say, that neither your lordships nor any man living, when he hears of this appointment, does or can hesitate a moment in concluding that it is the result of corruption, and that you only want to be informed what the corruption was. Here is such an arrangement as, I believe, never was before heard of—a secluded woman in the place of a man of the world; a fantastic dancing girl in the place of a grave magistrate; a slave in the place of a woman of quality; a common prostitute made to superintend the education of a young prince; and a stepmother, a name of horror in all countries, made to supersede the natural mother, from whose body the Nabob had sprung!

These are circumstances that leave no doubt of the grossest and most flagrant corruption; but was there no application made to Mr. Hastings upon that occasion? The Nabob's uncle, whom Mr. Hastings declares to be a man of no dangerous ambition, no alarming parts, no one quality that could possibly exclude him from that situation, makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who had ordered him to put a man into it. One would imagine the trust to be placed in him was such as enabled him to overturn the Company in a moment. Now the situation in which the Nabob's uncle, Zeteram O'Dowla, would have been placed, was this; he would have had no troops, he would have had no treasury, he would have had no collections of revenue, nothing, in short, that could have made him dangerous, but he would have been an absolute pensioner and dependent upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would have been subversive of his own power. If Mr. Hastings should still insist that there might be danger from the appointment of a man, we shall prove that he was of opinion that there could be no danger from any one; that the Nabob himself was a mere shadow—a cipher, and was kept there only to soften the English government in the eyes and opinion of the natives. My lords, I will detail these circumstances no further, but will bring some

collateral proofs to show that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. For, besides this foolish principle of policy, which he gives as a reason for defying the orders of the Company, and for insulting the country, that had never before seen a woman in that situation, and *his* declaration to the Company, that their government cannot be supported by private justice, (a favourite maxim, which he holds upon all occasions), besides these reasons, which he gave for his politic injustice, he gives the following; the Company had ordered, that £30,000 should be given to the person appointed. He knew that the Company could never dream of giving this woman £30,000 a year, and he makes use of that circumstance to justify him in putting her in that place; for, he says, the Company, in the distressed state of its affairs, could never mean to give £30,000 a year for the office which they order to be filled; and accordingly, upon principles of economy, as well as upon principles of prudence, he sees there could be no occasion for giving this salary, and that it will be saved to the Company. But no sooner had he given her the appointment, than that appointment became a ground for giving her that money. The moment he had appointed her, he overturns the very principle upon which he had appointed her, and gives the £30,000 to her, and the officers under her, saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. The £30,000 was given, the principle of economy vanished, a shocking arrangement was made, and Bengal saw a dancing girl administering its justice, presiding over all its remaining power, wealth, and influence, exhibiting to the natives of the country their miserable state of degradation, and the miserable dishonour of the English Company in Mr. Hastings's abandonment of all his own pretences.

But there is a still stronger presumption; the Company ordered that this person, who was to have the management of the Nabob's revenue, and who was to be his guardian, should keep a strict account, which account should be annually transmitted to the presidency, and by the presidency to Europe; and the purpose of it was to keep a control upon the reduced expenses of the sixteen lacks, which were or-

dered in the manner I mentioned. Your lordships will naturally imagine that that control was kept safe; no, here is the order of the directors, and you will see how Mr. Hastings obeyed it.

"As the disbursements of the sums allotted to the Nabob for the maintenance of his household and family, and the support of his dignity, will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court; but that the whole amount be applied to the purposes for which it was assigned by us."

One would have imagined that after Mr. Hastings had made so suspicious an arrangement (I will not call it by any worse name), he would have removed all suspicion with regard to money; that he would have obeyed the Company by constituting the control which they had ordered to be placed over a man, even a fit man, and a man worthy of the trust committed to him. But what is his answer, when three years after he is desired to produce this account? His answer is—"I can save the board the trouble of this reference by acquainting them that no such accounts have ever been transmitted, nor, as I can affirm with most certain knowledge, any orders given for that purpose, either to Goordass, to whose office it did not properly belong, nor to the Begum, who had the actual charge and responsibility of those disbursements."

He has given to this woman the charge of all the disbursements of the Company. The officer whom you would imagine would be responsible, was not responsible; but to this prostitute and dancing girl the whole of the revenue was given. When he was ordered to transmit that account, he not only did not produce that account, but had given no order that it should be kept; so that no doubt can be left upon your lordships' minds that the sixteen lacks which were reserved for the support of the dignity of the govern-

ment of that country were employed for the purpose of Mr. Hastings's having a constant bank, from which he should draw every corrupt emolument he should think fit for himself and his associates. Thus your lordships see, that he appointed an improper person to the trust without any control; and that the very accounts which were to be the guardians of his purity, and which were to remove suspicion from him, he never so much as directed or ordered. If any one can doubt that that transaction was in itself corrupt, I can only say that his mind must be constituted in a manner totally different from that which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption.

When Mr. Hastings committed these acts of violence against Mahomed Reza Khân, when he proceeded to make arrangements in the Company's affairs of the same kind with those in which corruption had been before exercised, he was bound by a particular responsibility that there should be nothing mysterious in his own conduct; and that at least all the accounts should be well kept. He appointed a person nominally for that situation, namely, the Rajah Goordass. Who was he? A person acting, he says, under the influence of Rajah Nundcomar, whom he had declared was not fit to be employed or trusted; all the offices were filled by him. But had Rajah Goordass, whose character is that of an excellent man, against whom there could lie no reasonable objection on account of his personal character, and whose want of talents was to be supplied by those of Nundcomar (and of *his* parts Mr. Hastings spoke as highly as possible), had he, I say, the management? No; but Munny Begum. Did she keep any accounts? No; Mr. Hastings was ordered, and a very disagreeable and harsh order it was, to take away one half of the Nabob's allowance, which he had by treaty. I do not charge Mr. Hastings with this reduction; he had nothing to do with that. Sixteen lacks were cut off, and sixteen left; these two sums had been distributed, one for the support of the seraglio and the dignity of the state, the other for the court establishment and the household. The sixteen lacks which were left, therefore, required to be well economized and well administered. There was a rigour in the Company's order relative to it, which was, that it should

take place from an antedated time, that is, a whole year prior to the communication of their order to the Nabob. The order was, that the Nabob's stipend should be reduced to sixteen lacks a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust; he says:

"Your order for the reduction of the Nabob's stipend was communicated to him in the month of December, 1771. He remonstrated against it, and desired it might be again referred to the Company. The board entirely acquiesced in his remonstrance, and the subsequent payments of his stipend were paid as before. I might easily have availed myself of this plea. I might have treated it as an act of the past government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it, which I could have proved by plausible arguments, drawn from the actual amount of the nizamut and behla establishments; and both the Nabob and Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution. I undertook myself the laborious and reproachful task of limiting his charges from an excess of his former stipend to the sum of his reduced allowance."

He says, in another place,

"The stoppage of the king's tribute was an act of mine.[1] * * * * for the remainder."

My lords, I believe it is a singular thing, and what your lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources by which sinister emolument may be made and concealed, and which, under pretences of public good, may be transferred into the pocket of him who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from ignorance. He well knows the ways of falsifying the Company's accounts; he well knows the necessities of the natives, and he knows that, by paying a part of their dues, they will be ready to give an acquittance of the whole. These are parts of Mr. Hastings's

[1] Document not found.

knowledge, of which your lordships will see he also well knows how to avail himself.

But you would expect, when he reduced the allowance to sixteen lacks, and took credit to himself as if he had done the thing which he professed, and had argued from his rigour and cruelty his strict and literal obedience to the Company, that he had in reality done it. The very reverse; for it will be in proof, that, after he had pretended to reduce the Company's allowance, he continued it a twelvemonth from the day in which he said he had entirely executed it, to the amount of £90,000, and entered a false account of the suppression in the Company's accounts: and when he has taken a credit, as under pretence of reducing that allowance, he paid £90,000 more than he ought. Can you then have a doubt, after all these false pretences, after all this fraud, fabrication, and suppression which he made use of, that that £90,000 of which he kept no account, and transmitted no account, was money given to himself for his own private use and advantage?

This is all that I think necessary to state to your lordships upon this monstrous part of the arrangement; and therefore, from his rigorous obedience in cases of cruelty, and where control was directed from his total disobedience, and from his choice of persons, from his suppression of the accounts that ought to have been produced, and falsifying the accounts that were kept, there arises a strong inference of corruption. When your lordships see all this in proof, your lordships will justify me in saying that there never was (taking every part of the arrangement) such a direct open violation of any trust. I shall say no more with regard to the appointment of Munny Begum.

My lords, here ended the first scene, and here ends that body of presumption arising from the transaction and inherent in it. My lords, the next scene that I am to bring before you is the positive proof of corruption in this transaction, in which I am sure you already see that corruption must exist. The charge was brought by a person in the highest trust and confidence with Mr. Hastings, a person employed in the management of the whole transaction; a person to whom the management, subordinate to Munny Begum, of all the pecuniary transactions and all the arrangements made upon that occasion was intrusted.

On the 11th day of March, 1775, Nundcomar gives to Mr. Francis, a member of the council, a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, with respect to which he was the informer, not the witness, but to which he indicated the modes of inquiry; and they are corrupt dealings, as Mr. Hastings himself states them, amounting to millions of rupees; and in transactions, every one of which implies in it the strongest degree of corruption.

The next part was of those to which he was not only an informer but a witness, in having been the person who himself transmitted the money to Mr. Hastings and the agents of Mr. Hastings; and accordingly upon this part, which is the only part we charge, his evidence is clear and full that he gave the money to Mr. Hastings; he and the Begum (for I put them together). He states that Mr. Hastings received for the appointment of Munny Begum to the rajahship two lacks of rupees, or about £22,000; and that he received in another gross sum one lack and a half of rupees; in all making three lacks and a half, or about £36,000. This charge was signed by the man, and accompanied with the account.

Mr. Hastings, on that day, made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion that Mr. Francis, who had produced it, was concerned in the charge, and was the principal mover in it. He asks Mr. Francis that day this question:

"The Governor-General observes, as Mr. Francis has been pleased to inform the board that he was unacquainted with the contents of the letter sent in to the board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation; and therefore begs leave to ask Mr. Francis whether he was, before this, acquainted with Nundcomar's intention of bringing such charges against him before the board?

"Mr. Francis.—As a member of this council, I do not deem myself obliged to answer any question of mere curiosity. I am willing, however, to inform the Governor-General, that, though I was totally unacquainted with the contents of the paper I have now delivered in to the board, till I heard it read, I did apprehend in general that it contained

some charge against him. It was this apprehension that made me so particularly cautious in the manner of receiving the Rajah's letter. I was not acquainted with Rajah Nundcomar's intention of bringing in such charges as are mentioned in the letter.

"Warren Hastings.—J. Clavering.—Geo. Monson.—P. Francis."

Now what the duty of Mr. Hastings and the council was upon receiving such information, I shall beg leave to state to your lordships from the Company's orders: but, before I read them, I must observe, that in pursuance of an act of parliament, which was supposed to be made upon account of the neglect of the Company, as well as the neglects of their servants, and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a parliamentary commission sent out to regulate their affairs, the Company did, upon that occasion, send out a general code and body of instructions to be observed by their servants; in the 35th paragraph of which it is said,

"We direct, that you immediately cause the strictest inquiry to be made into all oppressions which may have been committed either against the natives or Europeans, and into all abuses that may have prevailed in the collection of the revenues, or any part of the civil government of the presidency; and that you communicate to us all information which you may be able to learn relative thereto, or to any dissipation or embezzlement of the Company's money."

Your lordships see here, that there is a direct duty fixed upon them to forward, to promote, to set on foot, without exception of any persons whatever, an inquiry into all manner of corruption, peculation, and oppression. Therefore this charge of Nundcomar's was a case exactly within the Company's orders; such a charge was not sought out, but was actually laid before them; but if it had not been actually laid before them, if they had any reason to suspect that such corruptions existed, they were bound by this order to make an active inquiry into them. Upon that day (11th March, 1775) nothing further passed; and, on the part of Mr. Hastings, that charge, as far as we can find, might have stood upon the records for ever, without his making the

smallest observation upon it, or taking any one step to clear his own character. But Nundcomar was not so inattentive to his duties as an accuser, as Mr. Hastings was to his duties as an inquirer; for without a moment's delay, upon the first board day, two days after, Nundcomar came and delivered the following letter:

"I had the honour to lay before you, in a letter of the 11th instant, an abstracted but true account of the honourable governor in the course of his administration. What is there written I mean not the least to alter; far from it. I have the strongest written vouchers to produce in support of what I have advanced; and I wish and entreat, for my honour's sake, that you will suffer me to appear before you, to establish the fact by an additional incontestable evidence."

My lords, I will venture to say, if ever there was an accuser that appeared well and with weight before any court, it was this man. He does not shrink from his charge; he offered to meet the person he charged, face to face, and to make good his charge by his own evidence, and further evidence that he should produce. Your lordships have also seen the conduct of Mr. Hastings on the first day; you have seen his acquiescence under it; you have seen the suspicion he endeavoured to raise. Now, before I proceed to what Mr. Hastings thought of it, I must remark upon this accusation, that it is a specific accusation, coming from a person knowing the very transaction, and known to be concerned in it; that it was an accusation in writing, that it was an accusation with a signature, that it was an accusation with a person to make it good, that it was made before a competent authority, and made before an authority bound to inquire into such accusation. When he comes to produce his evidence, he tells you, first, the sums of money given, the species in which they were given, the very bags in which they were put, the exchange that was made by reducing them to the standard money of the country; he names all the persons through whose hands the whole transaction went, eight in number, besides himself, Munny Begum, and Goordass, being eleven, all referred to in this transaction. I do believe that, since the beginning of the world, there never was an accusation which was more deserving of inquiry, because there never was an accusation which put a

false accuser in a worse situation, and that put an honest defendant in a better; for there was every means of collation—every means of comparison—every means of cross examining — every means of control. There was every way of sifting evidence, in which evidence could be sifted. Eleven witnesses to the transaction are referred to; all the particulars of the payment, every circumstance that could give the person accused the advantage of showing the falsehood of the accusation, were specified. General accusations may be treated as calumnies, but particular accusations, like these, afford the defendant, if innocent, every possible means for making his defence; therefore the very making no defence at all would prove, beyond all doubt, a consciousness of guilt.

The next thing for your lordships' consideration is the conduct of Mr. Hastings upon this occasion. You would imagine that he would have treated the accusation with a cold and manly disdain; that he would have challenged and defied inquiry, and desired to see his accuser face to face. This is what any man would do in such a situation. I can conceive very well, that a man composed, firm, and collected in himself, conscious of not only integrity, but known integrity,—conscious of a whole life beyond the reach of suspicion, —that a man placed in such a situation might oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great and is a proof of a virtuous mind to despise calumny, it is the proof of a guilty mind to despise a specific accusation, when made before a competent authority, and with competent means to prove it. As Mr. Hastings's conduct was what no man living expected, I will venture to say, that no expression can do it justice but his own. Upon reading the letter, and a motion being made that Rajah Nundcomar be brought before the board to prove the charge against the Governor-General;

The Governor-General enters the following minute:—

"Before the question is put, I declare that I will not suffer Nundcomar to appear before the board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this board in the character of a criminal, nor do I acknowledge the

members of this board to be my judges. I am reduced on this occasion to make the declaration, that I look upon General Clavering, Colonel Monson, and Mr. Francis, as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the council, they thought proper to take immediate and decisive measures, in contradiction and for the repeal of those which were formed by me in conjunction with the last administration. I appealed to the court of directors from their acts. Many subsequent letters have been transmitted both by them and by me to the court of directors. By me, in protestation against their conduct; by them, in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention, and to withdraw that of the public from the subject of our first differences, which regarded only the measures that were necessary for the good of the service; to attacks directly and personally levelled at me for matters which tend to draw a personal and popular odium upon me: and fit instruments they have found for their purpose, Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan.

"It appears incontestably upon the records, that the charges preferred by the Ranny against me proceeded from the office of Mr. Fowke; all the papers transmitted by her came in their original form written in the English language, some with Persian papers of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused: I am justified in declaring my firm belief that no such originals exist.

"With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nundcomar, as a duty belonging to his office as a councillor of this State, to lay the packet which contained them before the board. That he conceived that he could not, consistent with his duty, refuse such a letter at the instance of a person of the Rajah's rank, and did accordingly receive it, and laid it before the board; de-

claring at the same time, that he was unacquainted with the contents of it. I believe that the court of directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this State to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself.

"Mr. Francis has acknowledged, that he apprehended in general that it contained some charge against me. If the charge was false, it was a libel; it might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the board; this was not a duty belonging to his office as a councillor of this State. I must further inform the board, that I have been long since acquainted with Nundcomar's intentions of making this attack upon me. Happily Nundcomar, among whose talents for intrigue that of secrecy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was carried by Nundcomar to Colonel Monson, and that he himself was employed for some hours in private with Colonel Monson, explaining the nature of those charges.

"I mention only what I was told; but as the rest of the report which was made to me corresponds exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the despatch of the Bute and Pacific. The charge has since undergone some alteration; but of the copy of the paper which was delivered to me, containing the original charge, I caused a translation to be made: when suspecting the renewal of the subject in this day's consultation, I brought it with me, and I desire it may be recorded, that

when our superiors, or the world, if the world is to be made the judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit which I give to the reports above mentioned. I do not mean to infer from what I have said, that it makes any alteration in the nature of the charges, whether they were delivered immediately from my ostensible accusers, or whether they came to the board through the channel of patronage; but it is sufficient to authorize the conviction, which I feel in my own mind, that those gentlemen are parties in the accusations, of which they assert the right of being the judges. From the first commencement of this administration every means have been tried both to deprive me of the legal authority with which I have been trusted, and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the board. The chief of the administration, your superior, gentlemen, appointed by the legislature itself, shall I sit at this board to be arraigned in the presence of a wretch, whom you all know to be one of the basest of mankind? I believe I need not mention his name; but it is Nundcomar. Shall I sit here to hear men collected from the dregs of the people give evidence, at his dictating, against my character and conduct? I will not; you may if you please form yourselves into a committee for the investigation of these matters in any manner which you may think proper; but I will repeat, that I will not meet Nundcomar at the board, nor suffer Nundcomar to be examined at the board; nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it.

"I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute drawn from me at the board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe, and am morally certain, I shall stand justified for in the eyes of my superiors and the eyes of

the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary."

My lords, you see here the picture of Nundcomar drawn by Mr. Hastings himself—you see the hurry, the passion, the precipitation, the confusion into which Mr. Hastings is thrown by the perplexity of detected guilt—you see, my lords, that, instead of defending himself, he rails at his accuser in the most indecent language, calling him a wretch, whom they all knew to be the basest of mankind; that he rails at the council by attributing their conduct to the worst of motives; that he rails at everybody, and declares the accusation to be a libel: in short, you see plainly that the man's head is turned. You see there is not a word he says upon this occasion which has common sense in it; you see one great leading principle in it, that he does not once attempt to deny the charge; he attempts to vilify the witness, he attempts to vilify those he supposes to be his accusers, he attempts to vilify the council; he lags upon the accusation, he mixes it with other accusations, which had nothing to do with it, and out of the whole he collects a resolution, to do what? to meet his adversary and defy him? No; that he will not suffer him to appear before him: he says, "I will not sit at this board in the character of a criminal, nor do I acknowledge the board to be my judges."

He was not called upon to acknowledge them to be his judges: both he and they were called upon to inquire into all corruptions without exception; it was his duty not merely not to traverse and oppose them while inquiring into acts of corruption, but he was bound to take an active part in it; that if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. They were not his judges, they were not his accusers; they were his fellow-labourers in the inquiry ordered by the court of directors, their masters, and by which inquiry he might be purged of that corruption with which he stood charged.

He says, Nundcomar is a wretch, whom you all know to be the basest of mankind. I believe they did not know the man to be a wretch or the basest of mankind: but if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes with which we charge Mr. Hastings (not

one of which was ever proved against him), if any of your lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons, or any other inquest of this nation, would you not say that it was the greatest possible advantage to you that the man who accused you was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really then think that to be accused by men of honour, of weight, of character, upon probable charges, is an advantage to them, and that to be accused by the basest of mankind is a disadvantage? No; give me, if ever I am to have accusers, miscreants, as he calls him—wretches, the basest and vilest of mankind. The board (says he) are my accusers; if they were, it was their duty; but they were not his accusers, but were inquiring into matters which it was equally his duty to inquire into. He would not suffer Nundcomar to be produced, he would not suffer Nundcomar to be examined; he rather suffered such an accusation to stand against his name and character, than permit it to be inquired into. Do I want any other presumption of his guilt upon such an occasion than such a conduct as this? This man whom he calls a wretch, the basest and vilest of mankind, was undoubtedly by himself, in the records of the Company, declared to be one of the first men of that country, everything that a subject could be, a person illustrious for his birth, sacred with regard to his caste, opulent in fortune, eminent in situation, who had filled the very first offices in that country; and that he was, added to all this, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferior race of beings compared to him: a man whose outward appearance and demeanour used to cause reverence and awe, and who at that time was near seventy years of age, which, without any other title, generally demands respect from mankind. And yet this man he calls the basest of mankind, a name which no man is entitled to call another till he has proved something to justify him in so doing; and notwithstanding his opulence, his high rank, station, and birth, he despises him and will not suffer him to be heard as an accuser before him. I will venture to say that Mr. Hastings in so doing, whether elevated by philo-

sophy or inflated by pride, is not like the rest of mankind. We do know that in all accusations a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity of the persons who bring them—mankind are so made—we cannot resist this prejudice; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If, therefore, Rajah Nundcomar was a man who (it is not degrading to your lordships to say) was equal in rank, according to the idea of his country, to any peer in this House, as sacred as a bishop, of as much gravity and authority as a judge, and who was prime minister in the country in which he lived; with what face can Mr. Hastings call this man a wretch, and say that he will not suffer him to be brought before him? If indeed, joined with such circumstances, the accuser be a person of bad morals, then I admit those bad morals take away from their weight: but, for a proof of that, you must have some other grounds than the charges and the railing of the culprit against him.

I might say, that his passion is a proof of his guilt, and there is an action which is more odious than the crimes he attempts to cover, *for he has murdered this man by the hands of Sir Elijah Impey;* and if his counsel should be unwise enough to endeavour to detract from the credit of this man by the pretended punishment to which he was brought, we will open that dreadful scene to your lordships; and you will see, that it does not detract from his credit, but brings an eternal stain and dishonour upon the justice of Great Britain: I say nothing further of it. As he stood there, as he gave that evidence that day, the evidence was to be received; it stands good, and is a record against Mr. Hastings, with this addition, that he would not suffer it to be examined. He railed at his colleagues. He says, if the charge was false they were guilty of a libel. No. It might have been the effect of conspiracy, it might be punished in another way; but if it was false, it was no libel. And all this is done to discountenance inquiry, to bring odium upon his colleagues for doing their duty, and to prevent that inquiry which could alone clear his character. Mr. Hastings had himself forgotten the character which he had given of Nundcomar; but

he says, that his colleagues were perfectly well acquainted with him, and knew that he was a wretch, the basest of mankind.

But before I read to you the character which Mr. Hastings gave of him when he recommended him to the presidency (to succeed Mahomed Reza Khân), I am to let your lordships understand fully the purpose for which Mr. Hastings gave it. Upon that occasion all the council, whom he stated to lie under suspicion of being bought by Mahomed Reza Khân, all those persons with one voice cried out against Nundcomar; and as Mr. Hastings was known to be of the faction the most opposite to Nundcomar, they charged him with direct inconsistency in raising Nundcomar to that exalted trust; a charge, which Mr. Hastings could not repel any other way than by defending Nundcomar. The weight of their objections chiefly lay to Nundcomar's political character; his moral character was not discussed in that proceeding. Mr. Hastings says,

"The president does not take upon him to vindicate the moral character of Nundcomar; his sentiments of this man's former political conduct are not unknown to the court of directors, who, he is persuaded, will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favour. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them; nevertheless he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our government by a man who owed it no allegiance, nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master whose interest naturally suggested that kind of policy which sought, by foreign aids and the diminution of the power of the Company, to raise his own consequence and to reëstablish his authority. He has never been charged with any instance of infidelity to the Nabob Meer Jaffier, the constant tenor of whose politics, from his first accession to the nizamut till his death, corresponded in all points so exactly with the artifices which were detected in his minister, that they may be as fairly ascribed to the one as to the other; their immediate object

was beyond question the aggrandizement of the former, though the latter had ultimately an equal interest in their success. The opinion which the Nabob himself entertained of the services and of the fidelity of Nundcomar, evidently appeared in the distinguished marks which he continued to show him of his favour and confidence to the latest hour of his life.

"His conduct in the succeeding administration appears not only to have been dictated by the same principles, but, if we may be allowed to speak favourably of any measures which opposed the views of our own government, and aimed at the support of an adverse interest, surely it was not only not culpable, but even praiseworthy. He endeavoured, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence, by obtaining a firmaun from the king for his appointment to the subahship; and he opposed the promotion of Mahomed Reza Khân, because he looked upon it as a supersession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company, on whose favour he must rest all his hopes of future advancement."

The character here given of him is that of an excellent patriot, a character which all your lordships in the several situations which you enjoy, or to which you may be called, will envy; the character of a servant who stuck to his master against all foreign encroachments; who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

Could Sir John Clavering, could Colonel Monson, could Mr. Francis know that this man, of whom Mr. Hastings had given that exalted character upon the records of the Company, was the basest and vilest of mankind? No; they ought to have esteemed him the contrary; they knew him to be a man of rank, they knew him to be a man perhaps of the first capacity in the world; and they knew that Mr. Hastings had given this honourable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expressed it, that he was the basest and vilest of mankind. From the account therefore of Mr. Hastings himself, he was a person competent to accuse, a witness fit to be heard, and that is all I contend

for. Mr. Hastings would not hear him, he would not suffer the charge he had produced to be examined into.

It has been shown to your lordships, that Mr. Hastings employed Nundcomar to inquire into the conduct, and to be the principal manager of a prosecution against Mahomed Reza Khân. Will you suffer this man to qualify and disqualify witnesses and prosecutors agreeably to the purposes which his own vengeance and corruption may dictate in one case, and which the defence of those corruptions may dictate in another? Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the sums of money which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed, and a fit person to be used in the prosecution of Mahomed Reza Khân, and yet not fit to be employed against Mr. Hastings, who himself had employed him in the very prosecution of Mahomed Reza Khân?

If Nundcomar was an enemy to Mr. Hastings, he was an enemy to Mahomed Reza Khân; and Mr. Hastings employed him avowedly and professedly on the records of the Company on account of the very qualification of that enmity. Was he a wretch, the basest of mankind, when opposed to Mr. Hastings? Was he not as much a wretch, and as much the basest of mankind, when Mr. Hastings employed him in the prosecution of the first magistrate and Mahomedan of the first descent in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure: he must accept them such as they are; and it is a presumption of his guilt accompanying the charge (which I never will separate from it), that he would not suffer the man to be produced, who made the accusation. And I therefore contend, that, as the accusation was so made, so witnessed, so detailed, so specific, so entered upon record, and so entered upon record in consequence of the inquiries ordered by the Company, his refusal and rejection of inquiry into it is a presumption of his guilt.

He is full of his idea of dignity. It is right for every man to preserve his dignity. There is a dignity of station, which a man has in trust to preserve; there is a dignity of personal character, which every man by being made man is bound to preserve. But you see, Mr. Hastings's idea of dignity has no connexion with integrity; it has no connexion with

honest fame; it has no connexion with the reputation which he is bound to preserve. What, my lords, did he owe nothing to the Company that had appointed him? Did he owe nothing to the legislature? Did he owe nothing to your lordships and to the House of Commons, who had appointed him? Did he owe nothing to himself, to the country that bore him? Did he owe nothing to the world, as to its opinion, to which every public man owes a reputation? What an example was here held out to the Company's servants!

Mr. Hastings says, this may come into a court of justice: it will come into a court of justice; I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it. To this I answer, that the Company did not order him so to reserve himself; but ordered him to be an inquirer into those things. Is it a lesson to be taught to the inferior servants of the Company, that provided they can escape out of a court of justice by the back doors and sally-ports of the law, by artifice of pleading, by those strict and rigorous rules of evidence which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt; and that such an escape is enough for them? That an Old Bailey acquittal is enough to establish a fitness for trust; and if a man shall go acquitted out of such a court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows that he is guilty—that he is fit for a trust? Is it a lesson to be held out to the servants of the Company, that upon the first inquiry which is made into corruption, and that in the highest trust, by the persons authorized to inquire into it, he uses all the powers of that trust to quash it; vilifying his colleagues, vilifying his accuser, abusing everybody, but never denying the charge? His associates and colleagues, astonished at this conduct, so wholly unlike everything that had ever appeared of innocence, request him to consider a little better. They declare they are not his accusers; they tell him they are not his judges; that they, under the orders of the Company, are making an inquiry, which he ought to make: he declares he will not make it. Being thus driven to the wall, he says, Why do you not form yourselves into a committee? I won't suffer these proceedings to go on as long as I am

present. Mr. Hastings plainly had in view, that if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular board. And he contended, that there could be no regular board without his own presence in it: a poor miserable scheme for eluding this inquiry; partly by saying that it was carried on when he was not present, and partly by denying the authority of this board.

I will have nothing to do with the great question that arose upon the Governor-General's resolution to dissolve a board, whether the board have a right to sit afterwards; it is enough that Mr. Hastings would not suffer them as a council to examine into what as a council they were bound to examine into. He absolutely declared the council dissolved, when they did not accept his committee; for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing—he then declares the council dissolved. The council, who did not think Mr. Hastings had a power to dissolve them while proceeding in the discharge of their duty, went on as a council: they called in Nundcomar to support his charge; Mr. Hastings withdrew. Nundcomar was asked, what he had to say further in support of his own evidence. Upon which he produces a letter from Munny Begum, the dancing girl that I have spoken of, in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears, that the corrupt agreement for her office was made with Mr. Hastings through Nundcomar, before he had quitted Calcutta: it points out the execution of it, and the manner in which every part of the sum was paid; one lack by herself in Calcutta; one lack which she ordered Nundcomar to borrow, and which he did borrow; and a lack and a half, which were given to him, Mr. Hastings, besides this purchase-money, under colour of an entertainment. This letter was produced, translated, examined, criticised, proved to be sealed with the seal of the Begum, acknowledged to have no marks but those of authenticity upon it; and, as such, was entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part, and circumstance by circumstance. And I am to remark, that since this document, so delivered in, has never

been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings; so, if there was no more testimony, here is enough upon this business. Your lordships will remark, that this charge consisted of two parts: two lacks that were given explicitly for the corrupt purchase of the office; and one lack and a half given in reality for the same purpose, but under the colour of what is called an entertainment.

Now in the course of these proceedings it was thought necessary that Mr. Hastings's banyan, Cantoo Baboo (a name your lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings), should be called before the board to explain some circumstances in the proceedings. Mr. Hastings ordered his banyan, a native, not to attend the sovereign board appointed by parliament for the government of that country, and directed to inquire into transactions of this nature. He thus taught the natives not only to disobey the orders of the court of directors, enforced by an act of parliament, but he taught his own servant to disobey, and ordered him not to appear before the board. Quarrels, duels, and other mischiefs arose. In short, Mr. Hastings raised every power of heaven and of hell upon this subject, but in vain: the inquiry went on.

Mr. Hastings does not meet Nundcomar, he was afraid of him; but he was not negligent of his own defence, for he flies to the supreme court of justice; he there prosecuted an inquiry against Nundcomar for a conspiracy. Failing in that, he made other attempts, and disabled Nundcomar from appearing before the board by having him imprisoned, and thus utterly crippled that part of the prosecution against him. But as guilt is never able thoroughly to escape, it did so happen that the council finding monstrous deficiencies in the Begum's affairs,—finding the Nabob's allowance totally squandered, that the most sacred pensions were left unpaid, that nothing but disorder and confusion reigned in all his affairs, that the Nabob's education was neglected, that he could scarcely read or write, that there was scarcely any mark of a man left in him, except those which nature had at first imprinted,—I say, all these abuses being produced in a body before them, they thought it necessary to send up to inquire into them. And a considerable deficiency or embezzlement

appearing in the Munny Begum's account of the young Nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given £15,000 to Mr. Hastings for an entertainment.

Mr. Hastings, finding that the charge must come fully against him, contrived a plan (which your lordships will see the effects of presently), and this was to confound this lack and a half, or £15,000, with the two lacks given directly and specifically as a bribe; intending to avail himself of this finesse whenever any payment was to be proved of the two lacks, which he knew would be proved against him, and which he never did deny: and accordingly your lordships will find some confusion in the proofs of the payment of those sums. The receipt of two lacks is proved by Nundcomar, proved with all the means of detection which I have stated; the receipt of the lack and a half is proved by Munny Begum's letter, the authenticity of which was established and never denied by Mr. Hastings. In addition to these proofs, Rajah Goordass, who had the management of the Nabob's treasury, verbally gave an account perfectly corresponding with that of Nundcomar and the Munny Begum's letter; and he afterwards gave in writing an attestation, which in every point agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Rajah Goordass, because, whatever character he thought fit to give Nundcomar, he has given the best of characters to Rajah Goordass, who was employed by Mr. Hastings in occupations of trust; and therefore any objections to his competency cannot exist. Having got thus far, the only thing that remained was to examine the records of the public offices, and see whether any trace of these transactions was to be found there. These offices had been thrown into confusion in the manner you will hear; but, upon strict inquiry, there was a *shomaster*, or office paper, produced, from which it appears that the officer of the treasury, having brought to the Nabob an account of one lack and a half which he said had been given to Mr. Hastings, desired to know from him under which head of expense it should be entered; and that he, the Nabob, desired him to put it under the head of expenses for entertaining Mr. Hastings. If there had been a head of entertainment established, as a regular

affair, the officer would never have gone to the Nabob and asked under what name to enter it; but he found an irregular affair, and he did not know what head to put it under. And from the whole of the proceedings it appears, that three lacks and a half were paid,—two lacks by way of bribe, one lack and a half under the colour of an entertainment. Mr. Hastings endeavours to invalidate the first obliquely, not directly, for he never directly denied it: and he partly admits the second, in hopes that all the proof of payment of the first charge should be merged and confounded in the second. And therefore your lordships will see from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor to the Company, that this was done to give some appearance and colour to it by a false representation, as your lordships will see, of every part of the transactions.

The proof then of the two lacks rests upon the evidence of Nundcomar, the letter of Munny Begum, and the evidence of Rajah Goordass. The evidence of the lack and a half by way of entertainment, was at first the same; and afterwards begins a series of proofs to which Mr. Hastings has himself helped us. For in the first place he produces this office paper in support of his attempt to establish the confusion between the payment of the two lacks and of the lack and a half. He did not himself deny that he received a lack and a half, because with respect to that lack and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lack and a half to have been given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up to her residence; and the fact is proved to the satisfaction of Mr. Goring, the commissioner. The Begum had put a paper of accounts, through her son, into his hands, which shall be given at your lordships' bar, in which she expressly said that she gave Mr. Hastings a lack and a half for entertainment. But Mr. Hastings objects to Mr. Goring's evidence upon this occasion. He wanted to supersede Mr. Goring in the inquiry; and he accordingly appoints, with the consent of the council, two creatures of his own to go and assist in that inquiry. The question which he directs these commissioners to put to Munny Begum is

this :—" Was the sum of money charged by you to be given to Mr. Hastings, given under an idea of entertainment, customary, or upon what other ground, or for what other reason ? " He also desires the following questions may be proposed to the Begum :—" Was any application made to you for the account which you have delivered of three lacks and a half of rupees, said to have been paid to the governor and Mr. Middleton; or did you deliver the account of your own free will and unsolicited ? "

My lords, you see that with regard to the whole three lacks and a half of rupees the Begum had given an account which tended to confirm the payment of them; but Mr. Hastings wanted to invalidate that account by supposing she gave it under restraint. The second question is—" In what manner was the application made to you, and by whom ? " But the principal question is this, " On what account was the one lack and a half given to the Governor-General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage ? " When a man asks concerning a sum of money charged to be given to him by another person, on what account it was given, he does indirectly admit that that money actually was paid, and wants to derive a justification from the mode of the payment of it; and accordingly that inference was drawn from the question so sent up, and it served as an instruction to Munny Begum; and her answer was that it was given to him as an ancient usage and custom, for an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lack and a half.

I must beg leave, before I go further, to state the circumstances of the several witnesses examined upon this business. They were of two kinds: voluntary witnesses, and accomplices forced by inquiry and examination to discover their own guilt. Of the first kind were Nundcomar and Rajah Goordass; these were the only two that can be said to be voluntary in the business, and who gave their information without much fear, though the last unwillingly and with a full sense of the danger of doing it.

The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, in which she confessed that she gave the lack and a half, and justifies it upon the ground of its being a customary entertainment. Besides this, there is the evidence of Chittendur, who was one of Mr. Hastings's instruments, and one of the Begum's servants. He, being prepared to confound the two lacks with the one lack and a half, says upon his examination, that a lack and a half was given; but upon examining into the particulars of it, he proves that the sum he gave was two lacks, and not a lack and a half; for he says, that there was a dispute about the other half lack. Nundcomar demanded interest, which the Begum was unwilling to allow, and consequently that half lack remained unpaid. Now this half lack can be no part of the lack and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony, to have been given to Mr. Hastings in one lumping sum. When Chittendur endeavours to confound it with the lack and a half, he clearly establishes the fact that it was a parcel of the two lacks; and thus bears evidence, in attempting to prevaricate in favour of Mr. Hastings, that one lack and a half was paid, which Mr. Hastings is willing to allow; but when he enters into the particulars of it, he proves by the subdivision of the payment, and by the non-payment of part of it, that it accords with the two lacks, and not with the lack and a half.

There are other circumstances in these accounts highly auxiliary to this evidence. The lack and a half was not only attested by Rajah Goordas, by the Begum, by Chittendur, by the Begum again upon Mr. Hastings's own question; indirectly admitted by Mr. Hastings, proved by the orders for it to be written off to expense (such a body of proof as perhaps never existed); but there is one proof still remaining, namely, a paper which was produced before the committee, and which we shall produce to your lordships. It is an authentic paper delivered in favour of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings's agent to a committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce; and we shall prove, first, that he received the two lacks; and secondly, that he received

one lack and a half under the name of entertainment. With regard to the lack and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacks, which he thinks he is not able to justify, but which he fears will be proved against him. The lack and a half, I do believe, he will not be advised to contest, but whether he is or no we shall load him with it; we shall prove it beyond all doubt. But there are other circumstances further auxiliary in this business, which from the very attempts to conceal it prove beyond doubt the fraudulent and wicked nature of the transaction. In the account given by the Begum, a lack which is for Mr. Hastings's entertainment is entered in a suspicious neighbourhood; for there is there entered a lack of rupees paid for the soubahdary sunnuds to the Mogul through the Rajah Shitabroy. Upon looking into the account, and comparing it with another paper produced, the first thing we find is, that this woman charges the sum paid, to be a sum due; and then she charges this one lack to have been paid when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Rajah Shitabroy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavours to conceal the lack of rupees paid to Mr. Hastings.

In order to make this transaction, which, though not in itself intricate, is in some degree made so by Mr. Hastings, clear to your lordships, we pledge ourselves to give to your lordships, what must be a great advantage to the culprit himself, a syllabus—the heads of all this charge, and of the proofs themselves, with their references; to show how far the proof goes to the two lacks, and then to the one lack and a half singly: this we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well, perhaps, or powerfully, expressed as it ought to be; and in order to give every advantage to the defendant, and to give every facility to your lordships' judgment; and this will, I believe, be thought a clear and fair way of proceeding. Your lordships will then judge whether Mr. Hastings's conduct at the time—his resisting an inquiry, preventing his servant appearing as an evidence, discountenancing and discouraging

his colleagues, raising every obstruction to the prosecution, dissolving the council, preventing evidence, and destroying it as far as lay in his power by collateral means—be not also such presumptive proofs as give double force to all the positive proof we produce against him.

The lack and a half, I know, he means to support upon the custom of entertainment; and your lordships will judge whether or not a man, who was ordered and had covenanted never to take more than £400, could take £16,000 under colour of an entertainment. That which he intends to produce as a justification we charge, and your lordships and the world will think, to be the heaviest aggravation of his crime. And after explaining to your lordships the circumstances under which this justification is made, and leaving a just impression of them upon your minds, I shall beg your lordships' indulgence to finish this member of the business tomorrow.

It is stated and entered in the account, that an entertainment was provided for Mr. Hastings at the rate of £200 a day. He staid at Moorshedabad for near three months; and thus you see that visits from Mr. Hastings are pretty expensive things: it is at the rate of £73,000 a year for his entertainment. We find that Mr. Middleton, an English gentleman who was with him, received likewise, whether under the same pretence I know not, and it does not signify, another sum equal to it; and, if these two gentlemen had staid in that country a year, their several allowances would have been £146,000 out of the Nabob's allowance of £160,000 a year: they would have eat up nearly the whole of it. And do you wonder, my lords, that such guests and such hosts are difficult to be divided? Do you wonder, that such visits, when so well paid for and well provided for, were naturally long? There is hardly a prince in Europe who would give to another prince of Europe from his royal hospitality what was given upon this occasion to Mr. Hastings.

Let us now see what was Mr. Hastings's business during this long protracted visit. First, he tells you that he came there to reduce all the state and dignity of the Nabob. He tells you that he felt no compunction in reducing that state; that the elephants, the menagerie, the stables, all went with-

out mercy, and consequently all the persons concerned in them were dismissed also. When he came to the abolition of the pensions, he says, "I proceeded with great pain from the reflection, that I was the instrument in depriving whole families, all at once, of their bread, and reducing them to a state of penury; convinced of the necessity of the measure, I endeavoured to execute it with great impartiality." Here he states the work he was employed in when he took this two hundred pounds a day for his own pay. "It was necessary to begin with reforming the useless servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing; but the resident, who took upon himself the chief share in this business, acknowledges that he suffered considerably in his feelings when he came to touch on the pension list. Some hundreds of persons of the ancient nobility of the country, excluded, under our government, from almost all employments, civil or military, had ever since the revolution depended on the bounty of the Nabob; and near ten lacks were bestowed that way. It is not that the distribution was always made with judgment or impartial, and much room was left for a reform; but when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The resident declares, that even with some of the highest rank he could not avoid discovering, under all the pride of eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation; to confine the Nabob's expenses within the limited sum, it was necessary that pensions should be set aside."

Here, my lords, is a man sent to execute one of the most dreadful offices that was ever executed by man, to cut off, as he says himself, with a bleeding heart the only remaining allowance made for hundreds of the decayed nobility and gentry of a great kingdom, driven by our government from the offices upon which they existed. In this moment of anxiety and affliction, when, he says, he felt pain and was cut to the heart to do it, at this very moment when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread, just at that moment, while he was doing this act, and feeling this act in

this manner, from the collected morsels forced from the mouth of that indigent and famished nobility he gorged his own ravenous maw with an allowance of £200 a day for his entertainment. As we see him in this business, this man is unlike any other: he is also never corrupt but he is cruel; he never dines without creating a famine; he does not take from the loose superfluity of standing greatness, but falls upon the indigent, the oppressed, and ruined; he takes to himself double what would maintain them. His is unlike the generous rapacity of the noble eagle, who preys upon a living, struggling, reluctant, equal victim; his is like that of the ravenous vulture, who falls upon the decayed, the sickly, the dying and the dead, and only anticipates nature in the destruction of its object. His cruelty is beyond his corruption: but there is something in his hypocrisy which is more terrible than his cruelty; for at the very time when with double and unsparing hands he executes a proscription, and sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow with tears; and he turns the precious balm that bleeds from wounded humanity, and is its best medicine, into fatal, rancorous, mortal poison to the human race.

You have seen, that when he takes £200 a day for his entertainment, he tells you that in this very act he is starving fourteen hundred of the ancient nobility and gentry. My lords, you have the blood of nobles, if not you have the blood of men in your veins; you feel as nobles, you feel as men. What would you say to a cruel Mogul exacter, by whom after having been driven from your estates, driven from the noble offices, civil and military, which you hold, driven from your bishoprics, driven from your places at court, driven from your offices as judges, and after having been reduced to a miserable flock of pensioners, your very pensions were at last wrested from your mouths; and who, though at the very time when those pensions were wrested from you he declares them to have been the only bread of a miserable decayed nobility, takes himself £200 a day for his entertainment, and continues it till it amounts to £16,000? I do think that of all the corruptions which he has not owned, but has not denied, or of those which he does in effect own, and of which he brings forward the evidence himself, the taking and claiming

under colour of an entertainment is ten times the most nefarious.

I shall this day only further trouble your lordships to observe that he has never directly denied this transaction. I have tumbled over the records, I have looked at every part to see whether he denies it; he did not deny it at the time, he did not deny it to the court of directors; on the contrary, he did in effect acknowledge it, when without directly acknowledging it he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. Parliament took up the business; this matter was reported at the end of the eleventh report. But, though the House of Commons had thus reported it, and made that public which before was upon the Company's records, he took no notice of it. Then another occasion arises: he comes before the House of Commons; he knows he is about to be prosecuted for these very corruptions; he well knows these charges exist against him; he makes his defence (if he will allow it to be his defence); but though thus driven he did not there deny it, because he knew that, if he had denied it, it could be proved against him. I desire your lordships will look at that paper which we have given in evidence, and see if you find a word of denial of it; there is much discourse, much folly, much insolence, but not one word of denial. Then, at last, it came before this tribunal against him. I desire to refer your lordships to that part of his defence, to the article in which this bribe is specifically charged; he does not deny it there; the only thing which looks like a denial is one sweeping clause inserted (in order to put us upon the proof), that all the charges are to be conceived as denied; but a specific denial to this specific charge, in no stage of the business from beginning to end, has he once made: and, therefore, here I close that part of the charge which relates to the business of Nundcomar. Your lordships will see such a body of presumptive proof, and positive proof, as never was given yet of any secret corrupt act of bribery; and there I leave it with your lordships' justice.

I beg pardon for having detained you so long; but your lordships will be so good as to observe that no business ever was covered with more folds of iniquitous artifice than this which is now brought before you.

TRIAL.

SATURDAY, 25TH APRIL, 1789.

(MR. BURKE.)

MY LORDS,—When I last had the honour of addressing your lordships, I endeavoured to state with as much perspicuity as the nature of an intricate affair would admit, and as largely as in so intricate an affair was consistent with the brevity which I endeavoured to preserve, the proofs which had been adduced against Warren Hastings upon an inquiry, instituted by an order of the court of directors, into the corruption and peculation of persons in authority in India. My lords, I have endeavoured to show you by anterior presumptive proofs, drawn from the nature and circumstances of the acts themselves inferring guilt, that such actions and such conduct could be referrible only to one cause, namely, *corruption*. I endeavoured to show you, afterwards, my lords, what the specific nature and extent of the corruption was, as far as it could be fully proved; and lastly, the great satisfactory presumption, which attended the inquiry with regard to Mr. Hastings; namely, that contrary to law, contrary to his duty, contrary to what is owed by innocence to itself, Mr. Hastings resisted that inquiry, and employed all the power of his office to prevent the exercise of it, either in himself or in others.—These presumptions and these proofs will be brought before your lordships, distinctly and in order, at the end of this opening.

The next point on which I thought it necessary to proceed was relative to the presumptions which his subsequent conduct gave with regard to his guilt: because, my lords, his uniform tenor of conduct, such as must attend guilt, both in the act, at the time of the inquiry, and subsequent to it, will form such a body of satisfactory evidence as, I believe, the human mind is not made to resist. My lords, there is another reason why I choose to enter into the presumptions drawn from his conduct and the fact, taking his

conduct in two parts, if it may be so expressed, *omission* and *commission*, in order that your lordships should more fully enter into the consequences of this system of bribery. —But, before I say anything upon that, I wish your lordships to be apprized, that the Commons, in bringing this bribe of three lacks and a half before your lordships, do not wish by any means to have it understood that this is the whole of the bribe that was received by Mr. Hastings in consequence of delivering up the whole management of the government of the country to that improper person whom he nominated for it.

My lords, from the proofs that will be adduced before you, there is great probability that he received very nearly £100,000: there is positive proof of his receiving £50,000; and we have chosen only to charge him with that, of which there is such an accumulated body of proof as to leave no doubt upon the minds of your lordships. All this I say, because we are perfectly apprized of the sentiments of the public upon this point; when they hear of the enormity of Indian peculation, when they see the acts done, and compare them with the bribes received, the acts seem so enormous, and the bribes comparatively so small, that they can hardly be got to attribute them to that motive. What I mean to state is this, that from a collective view of the subject your lordships will be able to judge that enormous offences have been committed, and that the bribe which we have given in proof is a specimen of the nature and extent of those enormous bribes, which extend to much greater sums than we are able to prove before you in the manner your lordships would like and expect.

I have already remarked to your lordships, that after this charge was brought and recorded before the council, in spite of the resistance made by Mr. Hastings, in which he employed all the power and authority of his station, and the whole body of his partisans and associates in iniquity dispersed through every part of these provinces,—after he had taken all these steps, finding himself pressed by the proof and pressed by the presumption of his resistance to the inquiry, he did think it necessary to make something like a defence. Accordingly he has made what he calls a justification, which did not consist in the denial of that fact, or any explanation of it.

The mode he took for his defence was abuse of his colleagues, abuse of the witnesses, and of every person who in the execution of his duty was inquiring into the fact; and charging them with things which if true were by no means sufficient to support him, either in defending the acts themselves, or in the criminal means he used to prevent inquiry into them. His design was to mislead their minds, and to carry them from the accusation and the proof of it. With respect to the passion, violence, and intemperate heat, with which he charged them, they were proceeding in an orderly, regular manner; and if on any occasion they seem to break out into warmth, it was in consequence of that resistance which he made to them in what your lordships I believe will agree with them in thinking was one of the most important parts of their functions. If they had been intemperate in their conduct, if they had been violent, passionate, prejudiced against him, it afforded him only a better means of making his defence; because, though in a rational and judicious mind, the intemperate conduct of the accuser certainly proves nothing with regard to the truth or falsehood of his accusation, yet we do know that the minds of men are so constituted, that an improper mode of conducting a right thing does form some degree of prejudice against it. Mr. Hastings, therefore, unable to defend himself upon principle, has resorted as much as he possibly could to prejudice. And at the same time that there is not one word of denial, or the least attempt at a refutation of the charge, he has loaded the records with all manner of minutes, proceedings, and letters relative to everything but the fact itself. The great aim of his policy, both then, before, and ever since, has been to divert the mind of the auditory, or the persons to whom he addressed himself, from the nature of his cause, to some collateral circumstance relative to it—a policy to which he has always had recourse; but that trick, the last resource of despairing guilt, I trust will now completely fail him.

Mr. Hastings, however, began to be pretty sensible that this way of proceeding had a very unpromising and untoward look; for which reason he next declared, that he reserved his defence for fear of a legal prosecution: and that some time or other he would give a large and liberal explanation to the court of directors, to whom he was answerable for his con-

duct, of his refusing to suffer the inquiry to proceed,—of his omitting to give them satisfaction at the time,—of his omitting to take any one natural step that an innocent man would have taken upon such an occasion. Under this promise he has remained from that time to the time you see him at your bar, and he has neither denied, exculpated, explained, or apologized for his conduct in any one single instance.

While he accuses the intemperance of his adversaries, he shows a degree of temperance in himself, which always attends guilt in despair; for struggling guilt may be warm, but guilt that is desperate has nothing to do but to submit to the consequences of it, to bear the infamy annexed to its situation, and to try to find some consolation in the effects of guilt with regard to private fortune, for the scandal it brings them into in public reputation. After the business had ended in India, the causes why he should have given the explanation grew stronger and stronger; for not only the charges exhibited against him were weighty, but the manner in which he was called upon to inquire into them was such as would undoubtedly tend to stir the mind of a man of character, to rouse him to some consideration of himself, and to a sense of the necessity of his defence. He was goaded to make this defence by the words I shall read to your lordships from Sir John Clavering.

"In the late proceedings of the revenue board it will appear, that there is no species of peculation from which the honourable Governor-General has thought it reasonable to abstain." He further says, in answer to Mr. Hastings, "The malicious view with which this innuendo (an innuendo of Mr. Hastings) is thrown out, is only worthy of a man who, having disgraced himself in the eyes of every man of honour both in Asia and in Europe, and having no imputation to lay to our charge, has dared to attempt in the dark what malice itself could not find grounds to aim at openly."

These are the charges which were made upon him—not loosely in the heat of conversation, but deliberately in writing, entered upon record, and sent to his employers, the court of directors,—those whom the law had set over him, and to whose judgment and opinion he was responsible. Do your lordships believe that it was conscious innocence that made

him endure such reproaches, so recorded, from his own colleague? Was it conscious innocence that made him abandon his defence, renounce his explanation, and bear all this calumny, if it was calumny, in such a manner without making any one attempt to refute it? Your lordships will see by this, and by other minutes, with which the books are filled, that Mr. Hastings is charged quite to the brim with corruptions of all sorts, and covered with every mode of possible disgrace; for there is something so base and contemptible in the crimes of peculation and bribery, that when they come to be urged home and strongly against a man, as here they are urged, nothing but a consciousness of guilt can possibly make a person so charged support himself under them. Mr. Hastings considered himself, as he has stated, to be under the necessity of bearing them. What is that necessity? Guilt. Could he say that Sir John Clavering (for I say nothing now of Colonel Monson and Mr. Francis, who were joined with him) was a man weak and contemptible? I believe there are those among your lordships who remember that Sir John Clavering was known before he went abroad, and better known by his conduct after, to be a man of the most distinguished honour that ever served his Majesty; he served his Majesty in a military situation for many years, and afterwards in that high civil situation in India. It is known, that through every step and gradation of a high military service, until he arrived at the highest of all, there never was the least blot upon him, or doubt or suspicion of his character; that his temper, for the most part, and his manners were fully answerable to his virtues, and a noble ornament to them; that he was one of the best natured, best bred men, as well as one of the highest principled men, to be found in his Majesty's service; that he had passed the middle time of life, and come to an age which makes men wise in general; so that he could be warmed by nothing but that noble indignation at guilt, which is the last thing that ever was or will be extinguished in a virtuous mind. He was a man whose voice was not to be despised; but if his character had been personally as contemptible as it was meritorious and honourable in every respect, yet his situation as a commissioner, named by an act of parliament for the express purpose of reforming India, gave him a weight and consequence that could

not suffer Mr. Hastings, without a general and strong presumption of his guilt, to acquiesce in such recorded minutes from him. But if he had been a weak, if he had been an intemperate man,—in reality he was as cool, steady, temperate, judicious a man as ever was born,—the court of directors, to whom Mr. Hastings was responsible by every tie and every principle, and was made responsible at last by a positive act of parliament, obliging him to yield obedience to their commands as the general rule of his duty,—the court of directors, I say, perfectly approved of every part of General Clavering's, Colonel Monson's, and Mr. Francis's conduct; they approved of this inquiry, which Mr. Hastings rejected, and they have declared, "That the powers and instructions vested in and given to General Clavering and the other gentlemen were such as fully authorized them in every inquiry, that seems to have been their object [1] * * * * * * * Europeans."

Now after the supreme authority, to which they were to appeal in all their disputes, had passed this judgment upon this very inquiry, the matter no longer depended upon Mr. Hastings's opinion; nor could he be longer justified in attributing that to evil motives either of malice or passion in his colleagues. When the judges, who were finally to determine who was malicious, who was passionate, who was or was not justified, either in setting on foot the inquiry or resisting it, had passed that judgment, then Mr. Hastings was called upon by all the feelings of a man, and by his duty in council, to give satisfaction to his masters, the directors, who approved of the zeal and diligence shown in that very inquiry, the passion of which he only reprobated, and upon which he grounded his justification.

If anything but conscious guilt could have possibly influenced him to such more than patience under this accusation, let us see what was his conduct when the scene was changed. General Clavering, fatigued and broken down by the miseries of his situation, soon afterwards lost a very able and affectionate colleague, Colonel Monson (whom Mr. Hastings states to be one of the bitterest of his accusers), a man one of the most loved and honoured of his time, a person of your lordships' noble blood, and a person who did honour to

[1] Document wanting.

it, and if he had been of the family of a commoner, well deserved to be raised to your distinction. When that man died—died of a broken heart, to say nothing else—and General Clavering felt himself in a manner without help, except what he derived from the firmness, assiduity, and patience of Mr. Francis, sinking like himself under the exertion of their own virtues, he was resolved to resign his employment. The court of directors were so alarmed at this attempt of his to resign his employment, that they wrote thus: "When you conceived the design of quitting our service, we imagine you could not have heard of the resignation of Mr. Hastings [1] * * * * * your zeal and ability."

My lords, in this struggle, and before he could resign finally, another kind of resignation, the resignation of nature, took place, and Sir John Clavering died. The character that was given Sir John Clavering at that time is a seal to the whole of his proceedings, and the use that I shall make of it your lordships will see presently. "The abilities of General Clavering, the comprehensive knowledge he had attained of our affairs, [2] * * * * * * * * * to the East-India Company."

And never had it a greater loss. There is the concluding funeral oration made by his masters upon a strict, though by no means partial, view of his conduct. My lords, here is the man who is the great accuser of Mr. Hastings, as he says: what is he? a slight man, a man of mean situation, a man of mean talents, a man of mean character? No; of the highest character. Was he a person whose conduct was disapproved by their common superiors? No; it was approved when living, and ratified when dead. This was the man, a man equal to him in every respect, upon the supposed evil motives of whom alone was founded the sole justification of Mr. Hastings.

But, be it then, that Sir John Clavering, Colonel Monson, and Mr. Francis, were all of them the evil-minded persons that he describes them to be; and that from dislike to them, from a kind of manly resentment, if you please, against such persons, a hatred against malicious proceedings, and a defiance of them, he did not think proper, as he states, to make his defence during that period of time, and while oppressed

[1] Document wanting. [2] Document wanting.

by that combination; yet when he got rid of the two former persons, and when Mr. Francis was nothing, when the whole majority was in his hand, and he was in full power, there was a large, open, full field for inquiry; and he was bound to reïnstitute that inquiry, and to clear his character before his judges and before his masters. Mr. Hastings says, No; they have threatened me with a prosecution, and I reserve myself for a court of justice.

Mr. Hastings has now at length taken a ground, as you will see from all his writings, which makes all explanation of his conduct in this business absolutely impossible. For, in the first place, he says, as a prosecution is meditated against me, I will say nothing in explanation of my conduct, because I might disclose my defence, and by that means do myself a prejudice. On the other hand, when the prosecution is dropped, as we all know it was dropped in this case, then he has a direct contrary reason, but it serves him just as well. Why, as no prosecution is intended, no defence need be made: so that, whether a prosecution is intended or a prosecution dropped, there is always cause why Mr. Hastings should not give the court of directors the least satisfaction concerning his conduct, notwithstanding, as we shall prove, he has reiteratedly promised, and promised it in the most ample and liberal manner. But let us see if there be any presumption in his favour to rebut the presumption, which he knew was irresistible, and which by making no defence for his conduct, and stopping the inquiry, must necessarily lie upon him. He reserves his defence, but he promises both defence and explanation.

Your lordships will remark, that there is nowhere a clear and positive denial of the fact. Promising a defence, I will admit, does not directly and *ex vi termini* suppose that a man may not deny the fact, because it is just compatible with the defence, but it does by no means exclude the admission of the fact, because the admission of the fact may be attended with a justification; but when a man says that he will explain his conduct with regard to a fact, then he admits that fact, because there can be no explanation of a fact which has no existence. Therefore Mr. Hastings admits the fact by promising an explanation, and he shows he has no explanation or justification to give by never having given it. Goad-

ed, provoked, and called upon for it in the manner I have mentioned, he chooses to have a feast of disgrace, if I may say so; to have a riot of infamy served up to him day by day for a course of years in every species of reproach that could be given by his colleagues and by the court of directors, from whom, he says, "I received nothing but opprobrious and disgraceful epithets," and he says, that his predecessors possessed more of their confidence than he had.

Yet for years he lay down in that sty of disgrace, fattening in it; feeding upon that offal of disgrace and excrement, upon everything that could be disgustful to the human mind, rather than deny the fact and put himself upon a civil justification. Infamy was never incurred for nothing. We know very well what was said formerly,

> "Populus me sibilat; at mihi plaudo
> Ipse domi, simul ac nummos contemplor in arcâ."

And never did a man submit to infamy for anything but its true reward, *money*. Money he received, the infamy he received along with it; he was glad to take his wife with all her goods; he took her with her full portion—with every species of infamy that belonged to her; and your lordships cannot resist the opinion, that he would not have suffered himself to be disgraced with the court of directors, disgraced with his colleagues, disgraced with the world, disgraced upon an eternal record, unless he was absolutely guilty of the fact that was charged upon him.

He frequently expresses, that he reserves himself for a court of justice. Does he, my lords? I am sorry that Mr. Hastings should show that he always mistakes his situation; he has totally mistaken it: he was a servant bound to give a satisfactory account of his conduct to his masters; and instead of that he considers himself and the court of directors as litigant parties, them as the accusers, and himself as the culprit. What would your lordships in private life conceive of a steward who was accused of embezzling the rents, robbing and oppressing the tenants, and committing a thousand misdeeds in his stewardship; and who, upon your wishing to make inquiry into his conduct, and asking an explanation of it, should answer, I will give no reply: you may intend to prosecute me, and convict me as a cheat, and therefore I

will not give you any satisfaction; what would you think of that steward? You could have no doubt that such a steward was a person not fit to be a steward, nor fit to live.

Mr. Hastings reserves himself for a court of justice; that single circumstance, my lords, proves that he was guilty. It may appear very odd that his guilt should be inferred from his desire of trial in a court in which he could be acquitted or condemned. But I shall prove to you from that circumstance, that Mr. Hastings, in desiring to be tried in a court of justice, convicts himself of presumptive guilt.

When Mr. Hastings went to Bengal in the year 1772, he had a direction exactly similar to this which he has resisted in his own case; it was to inquire into grievances and abuses. In consequence of this direction he proposes a plan for the regulation of the Company's service, and one part of that plan was just what you would expect from him, that is, the power of destroying every Company's servant without the least possibility of his being heard in his own defence, or taking any one step to justify himself, and of dismissing him at his own discretion: and the reason he gives for it is this: "I shall forbear to comment upon the above propositions: if just and proper their utility will be self-apparent: one clause only in the last article may require some explanation, namely, the power proposed for the governor of recalling any person from his station without assigning a reason for it. In the charge of oppression" (now here you will find the reason why Mr. Hastings wishes to appeal to a court of justice, rather than to give satisfaction to his employers), "though supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs of it; and, unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board, as, on the other hand, the fear of the consequence will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control." You see, Mr. Hastings himself is of opinion that the cries of oppression, though extorted from a whole people by the iron hand of severity, that these cries of a whole people attended even with authentic documents, sufficient to satisfy the mind of any man, may be

totally insufficient to convict the oppressor in a court; and yet to that court, whose competence he denies, to that very court he appeals, in that he puts his trust, and upon that ground he refuses to perform the just promise he had given of any explanation to those who had employed him.

Now I put this to your lordships; if a man is of opinion that no public court can truly and properly bring him to any account for his conduct; that the forms observable in courts are totally adverse to it; that there is a general incompetency with regard to such a court; and yet shuns a tribunal capable and competent, and applies to that which he thinks is incapable and incompetent, does not that man plainly show that he has rejected what he thinks will prove his guilt, and that he has chosen what he thinks will be utterly insufficient to prove it? And if this be the case, as he asserts it to be, with an under servant, think what must be the case of the upper servant of all; for if an inferior servant is not to be brought to justice, what must be the situation of a governor-general? It is impossible not to see, that, as he had conceived that a court of justice had not sufficient means to bring his crimes to light and detection, nor sufficient to bring him to proper and adequate punishment, therefore he flew to a court of justice, not as a place to decide upon him, but as a sanctuary to secure his guilt. Most of your lordships have travelled abroad, and have seen in the unreformed countries of Europe churches filled with persons who take sanctuary in them. You do not presume that a man is innocent because he is in a sanctuary; you know that, so far from demonstrating his innocence, it demonstrates his guilt; and, in this case, Mr. Hastings flies not to a court for trial, but as a sanctuary to secure him from it.

Let us just review the whole of his conduct; let us hear how Mr. Hastings has proceeded with regard to this whole affair. The court of justice dropped; the prosecution in Bengal ended. With Sir Elijah Impey as chief justice, who, as your lordships have seen, had a most close and honourable connexion with the Governor-General (all the circumstances of which I need not detail to you, as it must be fresh in your lordships' memory), he had not much to fear from the impartiality of the court. He might be sure the forms of law would not be strained to do him mischief; therefore there was

no great terror in it; but whatever terror there might be in it was overblown, because his colleagues refused to carry him into it, and therefore that opportunity of defence is gone. In Europe he was afraid of making any defence, but the prosecution here was also soon over; and in the House of Commons he takes this ground of justification for not giving any explanation, that the court of directors had received perfect satisfaction of his innocence; and he named persons of great and eminent character in the profession, whose names certainly cannot be mentioned without highly imposing upon the prejudices and weighing down almost the reason of mankind. He quotes their opinions in his favour, and argues that the exculpation which they give, or are supposed to give him, should excuse him from any further explanation.

My lords, I believe I need not say to great men of the profession, many of the first ornaments of which I see before me, that they are very little influenced in the seat of judgment by the opinions which they have given in the chamber, and they are perfectly in the right; because while in the chamber they hear but one part of the cause; it is generally brought before them in a very partial manner, and they have not the lights which they possess when they sit deliberately down upon the tribunal to examine into it; and for this reason they discharge their minds from every prejudice that may have arisen from a foregone partial opinion, and come uninfluenced by it as to a new cause. This, we know, is the glory of the great lawyers who have presided, and do preside, in the tribunals of this country; but we know at the same time, that those opinions (which they in their own mind reject, unless supported afterwards by clear and authentic testimony) do weigh upon the rest of mankind at least; for it is impossible to separate the opinion of a great and learned man from some consideration of the person who has delivered that opinion.

Mr. Hastings, being conscious of this, and not fearing the tribunal abroad, for the reason that I gave you, namely, his belief that it was not very adverse to him, and also knowing that the prosecution there was dropped, had but one thing left for his consideration, which was, how he should conflict with the tribunal at home; and, as the prosecution must originate from the court of directors, and be authorized

by some great law opinions, the great point with him was, some way or other by his party, I will not say by what means or circumstances, but by some party means, to secure a strong interest in the executive part of the India House. My lords, was that interest used properly and fairly? I will not say that friendship and partiality imply injustice; they certainly do not; but they do not imply justice. The court of directors took up this affair with great warmth; they committed it to their solicitor, and the solicitor would naturally (as most solicitors do) draw up a case a little favourably for the persons that employed him; and if there was any leaning, which upon my word I do not approve in the management of any cause whatever, yet if there was a leaning, it must be a leaning for the client.

Now the counsel did not give a decided opinion against the prosecution, but, upon the face of the case, they expressed great doubts upon it; for with such a strange, disorderly, imperfect, and confused case as was laid before them, they could not advise a prosecution: and, in my opinion, they went no further; and indeed upon that case that went before them, I, who am authorized by the Commons to prosecute, do admit that a great doubt might lie upon the most deciding mind, whether, under the circumstances there stated, a prosecution could be or ought to be pursued. I do not say which way my mind would have turned upon that very imperfect state of the case; but I still allow so much to their very great ability, great minds, and sound judgment, that I am not sure, if it was *res integra*, I would not have rather hesitated myself (who am now here an accuser) what judgment to give.

It does happen that there are very singular circumstances in this business, to which your lordships will advert; and you will consider what weight they ought to have upon your lordships' minds. The person who is now the solicitor of the Company is a very respectable man in the profession—Mr. Smith; he was at that time also the Company's solicitor, and he has since appeared in this cause as Mr. Hastings's solicitor. Now there is something particular in a man's being the solicitor to a party who was prosecuting another, and continuing afterwards in his office, and becoming the solicitor to the party prosecuted. It would be nearly as

strange as if our solicitor were to be the solicitor of Mr. Hastings in this prosecution and trial before your lordships. It is true that we cannot make out, nor do we attempt to prove, that Mr. Smith was at that time actually Mr. Hastings's solicitor; all that we shall attempt to make out is, that the case he produced was just such a case as a solicitor, anxious for the preservation of his client, and not anxious for the prosecution, would have made out. My lords, I have next to remark, that the opinion which the counsel gave in this case, namely, a very doubtful opinion, accompanied with strong censure of the manner in which the case was stated, was drawn from them by a case, in which I charge that there were *misrepresentation, suppression,* and *falsification.*

Now, my lords, in making this charge I am in a very awkward and unpleasant situation; but it is a situation in which, with all the disagreeable circumstances attending it, I must proceed. I am in this business obliged to name many men: I do not name them wantonly, but from the absolute necessity, as your lordships will see, of the case. I do not mean to reflect upon this gentleman; I believe, at the time when he made this case, and especially the article which I state as a *falsification,* he must have trusted to some of the servants of the Company, who were but young in their service at that time. There was a very great error committed, but by whom, or how, your lordships in the course of this inquiry will find. What I charge first is, that the case was improperly stated; 2dly, that it was partially stated; and that, afterwards, a further report was made upon reference to the same officer in the committee. Now, my lords, of the three charges which I have made, the two former, namely, the misrepresentation and suppression, were applicable to the case; but all the three, misrepresentation, suppression, and falsification, were applicable to the report.

This I say in vindication of the opinions given, and for the satisfaction of the public, who may be imposed upon by them. I wish the word to be understood: when I say *imposed,* I always mean by it the weight and authority carried; a meaning which this word perhaps has not got yet thoroughly in the English language; but in a neighbouring language *imposing* means, that it weighs upon men's minds with a sovereign authority. To say that the opinions of learned

men, though even thus obtained, may not have weight with this court, or with any court, is a kind of compliment I cannot pay to them at the expense of that common nature in which I and all human beings are involved.

He states in the case the covenants and the salary of Mr. Hastings, and his emoluments, very fairly. I do not object to any part of that. He then proceeds to state very partially the business upon which the committee of circuit went, and without opening whose conduct we cannot fully bring before you this charge of bribery. He then states, "That an inquiry having been made by the present supreme council of Bengal, respecting the conduct of the members of the last administration, several charges have been made, stating moneys very improperly received by Mr. Hastings during the time of the late administration; amongst these is one, of his having received 150,000 rupees of Munny Begum, the guardian of the Nabob, who is an infant."

In this statement of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lack and a half of rupees from Munny Begum, the guardian of the Nabob, for she was not then his guardian; but he was charged with receiving a lack and a half of rupees for removing the Nabob's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place; whereas here it supposes he found her a guardian, and that she had made him a present, which alters the whole nature of the case. The case, in the recital of the charge, sets out with what every one of your lordships knows now not to be the truth of the fact, nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in the recital are amazing: he states an inquiry having been made by the supreme council of Bengal respecting the conduct of the members of the last administration. That inquiry was made in consequence of the charge, and not the charge brought forwards, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the court of directors, but it is stated as though it was a voluntary inquiry. Now there is always something doubtful in voluntary inquiries with regard to the people concerned. He then supposes upon this inquiry that

to be the charge which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption: the first, two lacks of rupees taken expressly for the nomination of this woman to this place, and the other one lack and a half of rupees, in effect for the same purpose, but under the name and colour of an entertainment. The drawer of the case, finding that in the one case, namely, the two lacks of rupees, the evidence was more weak, but that no justification could be set up,—finding in the other, the lack and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, lays aside the charge of the two lacks totally; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of a lack and a half, the proof of which upon its own evidence was irresistible.

My speech I hope your lordships consider as only pointing out to your attention these particulars. Your lordships will see it exemplified throughout the whole, that when there is evidence (for some evidence is brought) that does belong to the lack and a half, it is entirely passed by, the most material circumstances are weakened, the whole strength and force of them taken away. Every one knows how true it is of evidence, *juncta juvant:* but here everything is broken and smashed to pieces, and nothing but disorder appears through the whole. For your lordships will observe that the proof that belongs to one thing is put as belonging to another, and the proof of the other brought in a weak and imperfect manner in the rear of the first, and with every kind of observation to rebut and weaken it; and when this evidence is produced, which appears inapplicable almost in all the parts, in many doubtful, confused, and perplexed, and in some even contradictory, which it will be when the evidence to one thing is brought to apply and bear upon another; good hopes were entertained in consequence, that that would happen, which in part did happen, namely, that the counsel, distracted and confused, and finding no satisfaction in the case, could not advise a prosecution.

But what is still more material and weighty, many particulars are suppressed in this case, and still more in the report; and turning from the case to the proceedings of the persons who are supposed to have the management of the

inquiry, they bring forward as an appendix to this case, Mr. Hastings's own invectives and charge against these persons, at the very same time that they suppress and do not bring forward, either in the charge or upon the report, what the other party have said in their own justification. The consequence of this management was, that a body of evidence, which would have made this case the clearest in the world, and which I hope we shall make to appear so to your lordships, was rendered for the most part inapplicable, and the whole puzzled and confused: I say, for the most part; for some parts did apply, but miserably applied, to the case. From their own state of the case they would have it inferred, that the fault was not in their way of representing it, but in the infirmity, confusion, and disorder of the proofs themselves; but this I trust we shall satisfy you is by no means the case. I rest, however, upon the proof of partiality in this business, of the imposition upon the counsel, whether designed or not, and of the bias given by adding an appendix with Mr. Hastings's own remarks upon the case, without giving the reasons of the other parties for their conduct. Now if there was nothing else than the fallacious recital, and afterwards the suppression, I believe any rational and sober man would see perfect, good, and sufficient ground for laying aside any authority that can be derived from the opinions of persons, though of the first character (and I am sure no man living does more homage to their learning, impartiality, and understanding than I do): first, because the statement of the case has thrown the whole into confusion; and secondly, as to the matter added as an appendix, which gives the representation of the delinquent, and omits the representation of his prosecutors, it is observed very properly and very wisely by one of the great men before whom this evidence was laid, that "The evidence as it is here stated is still more defective, if the appendix is adopted by the directors, and meant to make a part of the case. For that throws discredit upon all the information so collected." Certainly it does; for if the delinquent party who is to be prosecuted be heard with his own representation of the case, and that of his prosecutors be suppressed, he is master both of the lawyers and of the mind of mankind.

My lords, I have here attempted to point out the extreme inconsistencies and defects of this proceeding; and I wish

your lordships to consider, with respect to these proceedings of the India House in their prosecutions, that it is in the power of some of their officers to make statements in the manner that I have described, then to obtain the names of great lawyers, and under their sanction to carry the accused through the world as acquitted.

These are the material circumstances which will be submitted to your lordships' sober consideration in the course of this inquiry. I have now stated them on these two accounts; first to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the court of directors, namely, because they did not want it, having dropped a prosecution upon great authorities and opinions; and next to show your lordships, how a business begun in bribery is to be supported only by fraud, deceit, and collusion; and how the receiving of bribes by a Governor-General of Bengal tends to taint the whole service from beginning to end, both at home and abroad.

But though upon the partial case that was presented to them these great lawyers did not advise a prosecution, and though even upon a full representation of a case a lawyer might think that a man ought not to be prosecuted, yet he may consider him to be the vilest man upon earth. We know men are acquitted in the great tribunals in which several lords of this country have presided, and who perhaps ought not to have been brought there and prosecuted before them, and yet about whose delinquency there could be no doubt. But though we have here sufficient reason to justify the great lawyers whose names and authorities are produced, yet Mr. Hastings has extended that authority beyond the length of their opinions. For being no longer under the terror of the law, which he said restrained him from making his defence, he was then bound to give that satisfaction to his masters and the world, which every man in honour is bound to do when a grave accusation is brought against him. But this business of the law I wish to sleep from this moment till the time when it shall come before you; though I suspect, and have had reason (sitting in committees in the House of Commons) to believe, that there was in the India House a bond of iniquity, somewhere or other, which was able to impose in the first instance upon the solicitor, the guilt of which being

of another nature I shall state hereafter, that your lordships may be able to discover through whose means, and whose fraud, Mr. Hastings obtained these opinions.

If, however, all the great lawyers had been unanimous upon that occasion, still it would have been necessary for Mr. Hastings to say, I cannot, according to my opinion, be brought to give an account in a court of justice, and I have got great lawyers to declare that upon the case laid before them they cannot advise a prosecution; but now is the time for me to come forward, and being no longer in fear that my defence may be turned against me, I will produce my defence for the satisfaction of my masters and the vindication of my own character. But besides this doubtful opinion—for I believe your lordships will find it no better than a doubtful opinion—given by persons for whom I have the highest honour, and given with a strong censure upon the state of the case, there were also some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him; but the court of directors decided otherwise, they overruled those opinions, and acted upon the opinions in favour of Mr. Hastings. When, therefore, he knew that the great men in the law were divided upon the propriety of a prosecution, but that the directors had decided in his favour, he was the more strongly bound to enter into a justification of his conduct.

But there was another great reason which should have induced him to do this; one great lawyer, known to many of your lordships, Mr. Sayer, a very honest, intelligent man, who had long served the Company, and well knew their affairs, had given an opinion concerning Mr. Hastings's conduct in stopping these prosecutions. There was an abstract question put to Mr. Sayer and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; and this was, whether Mr. Hastings, as Governor-General, had a power so to dissolve the council; that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor-General had a power of dissolving the council, and that the council could

not legally sit after such dissolution; but what was his remark upon Mr. Hastings's conduct? and you must suppose his remark of more weight, because, upon the abstract question, he had given his opinion in favour of Mr. Hastings's judgment. "The meeting of the council depends on the pleasure of the governor; and I think the duration of it must do so too. But it was as great a crime to dissolve the council upon base and sinister motives, as it would be to assume the power of dissolving if he had it not. I believe he is the first governor that ever dissolved a council inquiring into his behaviour when he was innocent. Before he could summon three councils, and dissolve them, he had time fully to consider what would be the result of such conduct—*to convince everybody, beyond a doubt, of his conscious guilt.*"

Mr. Sayer, then, among other learned people (and if he had not been the man that I have described, yet from his intimate connexion with the Company his opinion must be supposed to have great weight), having used expressions as strong as the persons who have ever criminated Mr. Hastings most for the worst of his crimes have ever used to qualify and describe them, and having ascribed his conduct to base and sinister motives, he was bound upon that occasion to justify that strong conduct allowed to be legal, and charged, at the same time, to be violent. Mr. Hastings was obliged then to produce something in his justification: he never did. Therefore, for all the reasons assigned by himself, drawn from the circumstances of prosecution and non-prosecution, and from opinions of lawyers and colleagues, the court of directors at the same time censuring his conduct, and strongly applauding the conduct of those who were adverse to him, Mr. Hastings was, I say, from those accumulated circumstances, bound to get rid of the infamy of a conduct which could be attributed to nothing but base and sinister motives, and which could have no effect but to convince men of his consciousness that he was guilty. From all these circumstances I infer, that no man could have endured this load of infamy, and, to this time, have given no explanation of his conduct, unless for the reason which this learned counsel gives, and which your lordships and the world will give, namely, his conscious guilt.

After leaving upon your minds that presumption, not to

operate without proof, but to operate along with the proof (though, I take it, there are some presumptions that go the full length of proof), I shall not press it to the length to which I think it would go, but use it only as auxiliary, assisting, and compurgatory of all the other evidences that go along with it.

There is another circumstance which must come before your lordships in this business. If you find that Mr. Hastings has received the two lacks of rupees, then you will find that he was guilty, without colour or pretext of any kind whatever, of acting in violation of his covenant, of acting in violation of the laws and all the rules of honour and conscience. If you find that he has taken the lack and a half, which he admits, but which he justifies under the pretence of an entertainment, I shall beg to say something to your lordships concerning that justification.

The justification set up is, that he went up from Calcutta to Moorshedabad, and paid a visit of three months, and that there an allowance was made to him of £200 a day in lieu of an entertainment. Now, my lords, I leave it to you to determine, if there was such a custom, whether or no his covenant justifies his conformity with it. I remember Lord Coke, talking of the *Brehon* law in Ireland, says, it is no law but a lewd custom. A governor is to conform himself to the laws of his own country, to the stipulations of those that employ him, and not to the lewd customs of any other country: those customs are more honoured in the breach than in the observance. If Mr. Hastings was really feasted and entertained with the magnificence of the country, if there was an entertainment of dancing girls brought out to amuse him in his leisure hours, if he was feasted with the *hooka* and every other luxury, there is something to be said for him, though I should not justify a governor-general wasting his days in that manner. But in fact here was no entertainment that could amount to such a sum; and he has nowhere proved the existence of such a custom.

But if such a custom did exist, which I contend is more honoured in the breach than in the observance, that custom is capable of being abused to the grossest extortion; and that it was so abused, will strike your lordships' minds in such a manner that I hardly need detail the circumstances

of it. What! £200 to be given to a man for one day's entertainment? If there is an end of it there, it ruins nobody, and cannot be supposed, to a great degree, to corrupt anybody; but when that entertainment is renewed, day after day, for three months, it is no longer a compliment to the man, but a great pecuniary advantage; and, on the other hand, to the person giving it, a grievous, an intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it, not only from giving entertainment, but from having bread to eat themselves. Therefore, if any such entertainment was customary, the custom was perverted by the abuse of its being continued for three months together. It was longer than Ahasuerus's feast. There is a feast of reason and a flow of soul; but Mr. Hastings's feast was a feast of avarice and a flow of money: no wonder he was unwilling to rise from such a table; he continued to sit at that table for three months.

In his covenant he is forbidden expressly to take any allowance above £400, and forbidden to take any allowance above £100, without the knowledge, consent, and approbation of the council to which he belongs:—now, he takes £16,000, not only without the consent of the council, but without their knowledge; without the knowledge of any other human being: it was kept hid in the darkest and most secret recesses of his own black agents and confidants, and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display; there is an ostentation, a pomp in them; they want to be shown to the world, not concealed. The concealment of acts of charity is what makes them acceptable in the eyes of Him with regard to whom there can be no concealment: but acts of corruption are kept secret, not to keep them secret from the eye of Him, whom the person that observes the secrecy does not fear, nor perhaps believe in; but to keep them secret from the eyes of mankind, whose opinions he does fear in the immediate effect of them and in their future consequences. Therefore, he had but one reason to keep this so dark and profound a secret, till it was dragged into day in spite of him; he had no reason to keep it a secret, but his knowing it was a proceeding that could not bear the light. Charity is the only virtue that I ever heard of, that derives

from its retirement any part of its lustre; the others require to be spread abroad in the face of day. Such candles should not be hid under a bushel, and, like the illuminations which men light up when they mean to express great joy and great magnificence for a great event, their very splendour is a part of their excellence. We upon our feasts light up this whole capital city: we in our feasts invite all the world to partake them. Mr. Hastings feasts in the dark; Mr. Hastings feasts alone; Mr. Hastings feasts like a wild beast; he growls in the corner over the dying and the dead, like the tigers of that country, who drag their prey into the jungles. Nobody knows of it till he is brought into judgment for the flock he has destroyed. His is the entertainment of Tantalus; it is an entertainment from which the sun hid his light.

But was it an entertainment upon a visit? Was Mr. Hastings upon a visit? No; he was executing a commission for the Company in a village in the neighbourhood of Moorshedabad, and by no means upon a visit to the Nabob. On the contrary, he was upon something that might be more properly called a *visitation:* he came as a heavy calamity, like a famine or a pestilence on a country; he came there to do the severest act in the world, as he himself expresses, to take the bread—literally the bread, from above a thousand of the nobles of the country, and to reduce them to a situation which no man can hear of without shuddering. When you consider that, while he was thus entertained himself, he was famishing fourteen hundred of the nobility and gentry of the country, you will not conceive it to be any extenuation of his crimes, that he was there not upon a visit, but upon a duty the harshest that could be executed, both to the persons who executed and the people who suffered from it.

It is mentioned and supposed in the observations upon this case, though no circumstances relative to the person or the nature of the visit are stated, that this expense was something which he might have charged to the Company, and did not. It is first supposed by the learned counsel who made the observation, that it was a public, allowed, and acknowledged thing; then, that he had not charged the Company anything for it. I have looked into that business: in the first place, I see no such custom; and if there was such

a custom, there was the most abusive misemployment of it. I find, that in that year there was paid from the Company's cash account to the Governor's travelling charges (and he had no other journey at that end of the year) 30,000 rupees, which is about £3000; and when we consider that he was in the receipt of near £30,000, besides the nuzzers, which amount to several thousand a year, and that he is allowed £3000 by the Company for his travelling expenses,—is it right to charge upon the miserable people, whom he was defrauding of their bread, £16,000 for his entertainment?

I find that there are also other great sums relative to the expenses of the committee of circuit, which he was upon. How much of them is applicable to him I know not. I say, that the allowance of £3000 was noble and liberal; for it is not above a day or two's journey to Moorshedabad, and by his taking his road by Kissenagore, he could not be longer. He had a salary to live upon, and he must live somewhere; and he was actually paid £3000 for travelling charges for three months, which was at the rate of £12,000 a year—a large and abundant sum.

If you once admit that a man for an entertainment shall take £16,000, there never will be any bribe, any corruption, that may not be justified; the corrupt man has nothing to do but to make a visit, and then that very moment he may receive any sum under the name of this entertainment; that moment his covenants are annulled, his bonds and obligations destroyed, the act of parliament repealed; and it is no longer bribery, it is no longer corruption, it is no longer peculation; it is nothing but thanks for obliging inquiries, and a compliment according to the mode of the country, by which he makes his fortune.

What hinders him from renewing that visit? If you support this distinction, you will teach the Governor-General, instead of attending his business at the capital, to make journeys through the country, putting every great man of that country under the most ruinous contributions; and as this custom is in no manner confined to the Governor-General, but extends, as it must upon that principle, to every servant of the Company in any station whatever, then, if each of them were to receive an entertainment, I will venture to say that the greatest ravage of an hostile army could not indeed de-

stroy the country more entirely than the Company's servants by such visits.

Your lordships will see that there are grounds for suspicion, not supported with the same evidence, but with evidence of great probability, that there was another entertainment given at the expense of another lack of rupees; and there is also great probability that Mr. Hastings received two lacks of rupees, and Mr. Middleton another lack. The whole of the Nabob's revenues would have been exhausted by these two men, if they had staid there a whole year, and they staid three months. Nothing will be secured from the Company's servants, so long as they can find, under this name or under pretence of any corrupt custom of the country, a vicious excuse for this corrupt practice. The excuse is worse than the thing itself. I leave it then with your judgment to decide, whether you will or not (if this justification comes before you) establish a principle, which would put all Bengal in a worse situation than an hostile army could do, and ruin all the Company's servants by sending them from their duty to go round robbing the whole country under the name of entertainments.

My lords, I have now done with this first part; namely, the presumption arising from his refusal to make any defence, on pretence that the charge brought against him might be referred to a court of justice, and from the non-performance of his promise to give satisfaction to his employers: and when that pretence was removed, still refusing to give that satisfaction, though suffering as he did under a load of infamy and obloquy, and though urged to give it by persons of the greatest character. I have stated this to your lordships as the strongest presumption of guilt, and that this presumption is strengthened by the very excuse which he fabricated for a part of his bribes, when he knew that the proof of them was irresistible, and that this excuse is a high aggravation of his guilt; that this excuse is not supported by law, that it is not supported by reason, that it does not stand with his covenant, but carries with it a manifest proof of corruption; and that it cannot be justified by any principle, custom, or usage whatever. My lords, I say I have done with the presumption arising from his conduct as it regarded the fact specifically charged against him, and with respect to the rela-

tion he stood in to the court of directors, and from the attempt he made to justify that conduct. I believe your lordships will think both one and the other strong presumptions of his criminality, and of his knowledge that the act he was doing was criminal.

I have another fact to lay before your lordships, which affords a further presumption of his guilt, and which will show the mischievous consequences of it; and I trust your lordships will not blame me for going a little into it. Your lordships know we charge, that the appointment of such a woman as Munny Begum to the guardianship of the Nabob, to the superintendency of the civil justice of the country, and to the representation of the whole government, was made for no other purpose than that through this corrupt woman £16,000 a year, the whole tattered remains of the Nabob's grandeur, might be a prey to Mr. Hastings; it could be for no other. Now your lordships would imagine, that after this, knowing he was already grievously suspected, he would have abstained from giving any further ground for suspicion by a repetition of the same acts through the same person; as no other reason could be furnished for such acts, done directly contrary to the order of his superiors, but that he was actuated by the influence of bribery. Your lordships would imagine, that when this Munny Begum was removed upon a charge of corruption, Mr. Hastings would have left her quiet in tranquil obscurity, and that he would no longer have attempted to elevate her into a situation which furnished against himself so much disgrace and obloquy, and concerning which he stood charged with a direct and positive act of bribery. Your lordships well know, that upon the deposition of that great magistrate, Mahomed Reza Khân, this woman was appointed to supply his place. The Governor-General and council (the majority of them being then Sir John Clavering, Colonel Monson, and Mr. Francis) had made a provisional arrangement for the time, until they should be authorized to fill up the place in a proper manner. Soon after there came from Europe a letter expressing the satisfaction which the court of directors had received in the acquittal of Mahomed Reza Khân, expressing a regard for his character, a high opinion of his abilities, and a great disposition to make him some recompense for his extreme

suffering; and accordingly they ordered that he should be again employed. Having no exact ideas of the state of employments in that country, they made a mistake in the specific employment for which they named him; for being a Mahomedan, and the head of the Mahomedans in that country, he was named to an office which must be held by a Gentoo. But the majority I have just named, who never endeavoured by any base and delusive means to fly from their duty, or not to execute it at all because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order; and finding that Mahomed Reza Khân, before his imprisonment and trial, had been in possession of another employment, they followed the spirit of the instructions of the directors, and replaced him in that employment; by which means there was an end put to the government of Munny Begum: the country reverted to its natural state, and men of the first rank in the country were placed in the first situations in it. The seat of judicature was filled with wisdom, gravity, and learning, and Munny Begum sunk into that situation into which a woman who had been engaged in the practices that she had been engaged in naturally would sink at her time of life. Mr. Hastings resisted this appointment. He trifled with the Company's orders on account of the letter of them, and endeavoured to disobey the spirit of them. However, the majority overbore him; they put Mahomed Reza Khân into his former situation, and as a proof and seal to the honour and virtue of their character, there was not a breath of suspicion that they had any corrupt motive for this conduct. They were odious to many of the India House here; they were odious to that corrupt influence which had begun and was going on to ruin India. But in the face of all this odium, they gave the appointment to Mahomed Reza Khân, because the act contained in itself its own justification. Mr. Hastings made a violent protest against it, and resisted it to the best of his power, always in favour of Munny Begum, as your lordships will see. Mr. Hastings sent this protest to the directors; but the directors, as soon as the case came before them, acknowledged their error, and praised the majority of the council, Sir John Clavering, Colonel Monson, and Mr. Francis, for the wise and honourable part they had

taken upon the occasion, by obeying the spirit and not the letter; commended the act they had done; confirmed Mahomed Reza Khân in his place; and to prevent that great man from being any longer the sport of fortune, any longer the play of avarice between corrupt governors and dancing girls, they gave him the pledged faith of the Company that he should remain in that office as long as his conduct deserved their protection; it was a good and an honourable tenure.

My lords, soon afterwards there happened two lamentable deaths, first of Colonel Monson, afterwards of General Clavering. Thus Mr. Hastings was set loose; there was an inspection and a watch upon his conduct, and no more. He was then just in the same situation in which he had stood in 1772. What does he do? Even just what he did in 1772. He deposes Mahomed Reza Khân, notwithstanding the Company's orders, notwithstanding their pledged faith; he turns him out, and makes a distribution of two lacks and a half of rupees, the salary of that great magistrate, in the manner I will now show your lordships. He made an arrangement consisting of three main parts; the first was with regard to the women, the next with regard to the magistracy, the last with regard to the officers of state of the household.

The first person that occurred to Mr. Hastings was Munny Begum, and he gave her, not out of that part of the Nabob's allowance which was to support the seraglio, but out of the allowance of this very magistrate, just as if such a thing had been done here out of the salary of a lord chancellor or a lord chief justice,—out of the two lacks and a half of rupees, that is, about £24,000 or £25,000 a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees per annum, or £7200 a year;—for the Nabob's own mother, whom he thrust, as usual, into a subordinate situation, he made an allowance of £3000; to the Sudder-ul-Huk Khân, which is, translated into English, the lord chief justice, he allowed the same sum that he did to the dancing girl (which was very liberal in him, and I am rather astonished to find it), namely, £7200 a year. And who do you think was the next public officer he appointed? It was the Rajah Goordass, the son of Nundcomar, and whose testimony he has attempted both before and since this occasion to

weaken. To him, however, he gave an employment of £6000 a year, as if to make through the son some compensation to the manes of the father. And in this manner he distributes with a wild and liberal profusion, between magistrates and dancing girls, the whole spoil of Mahomed Reza Khân, notwithstanding the Company's direct and positive assurance given to him. Everything was done at the same time to put, as it was before, into the hands of this dancing girl the miserable Nabob's whole family; and that the fund for corruption might be large enough, he did not take the money for this dancing girl out of the Nabob's separate revenue, of which he and the dancing girl had the private disposal between them. Now, upon what pretence did he do all this? The Nabob had represented to Mr. Hastings, that he was now of age; that he was an independent sovereign prince; that being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself; and therefore he desired to be admitted to that management: and indeed, my lords, ostensibly, and supposing him to have been this independent prince, and that the Company had no authority, or had never exercised any authority over him through Mr. Hastings, there might be a good deal said in favour of this request. But what was the real state of the case? The Nabob was a puppet in the hands of Mr. Hastings and Munny Begum; and you will find upon producing the correspondence, that he confesses that she was the ultimate object and end of this request.

I think this correspondence, wherein a son is made to petition in his own name for the elevation of a dancing girl, his step-mother, above himself and everybody else, will appear to your lordships such a curiosity as, I believe, is not to be found in the state correspondence of the whole world. The Nabob begins thus:—"The excellency of that policy by which her Highness the Begum (meaning Munny Begum) (may her shadow be far extended) formerly, during the time of her administration, transacted the affairs of the nizamut in the very best and most advantageous manner, was, by means of the delusions of enemies, disguised under the appearance of friends, hidden from me. Having lately seriously reflected on my own affairs, I am convinced that it was the effect of maternal affection, was highly proper, and for my interest;

and that except the said Begum is again invested with the administration, the regulation and prosperity of this family, which is in fact her own, cannot be effected. For this cause, from the time of her suspension until now, I have passed my time, and do so still, in great trouble and uneasiness. As all affairs, and particularly the happiness and prosperity of this family, depend on your pleasure, I now trouble you in hopes that you, likewise concurring in this point, will be so kind as to write in fit and proper terms to her Highness the Begum, that she will always, as formerly, employ her authority in the administration of the nizamut and the affairs of this family."

This letter, my lords, was received upon the 23rd of August; and your lordships may observe two things in it; first, that some way or other this Nabob had been (as the fact was) made to express his desire of being released from his subjection to the Munny Begum; but that now he had got new lights, all the mists are gone; and he now finds, that Munny Begum is not only the fittest person to govern him, but the whole country. This young man, whose incapacity is stated and never denied by Mr. Hastings, and by Lord Cornwallis, and by all the rest of the world who know him, begins to be charmed with the excellency of the policy of Munny Begum. Such is his violent impatience, such the impossibility of his existing an hour but under the government of Munny Begum, that he writes again on the 25th of August (he had really the impatience of a lover), and within five days afterwards writes again, so impatient, so anxious, and jealous is this young man to be put under the government of an old dancing woman. He is afraid lest Mr. Hastings should imagine that some sinister influence had prevailed upon him in so natural and proper a request. He says, "Knowing it for my interest and advantage that the administration of the affairs of the nizamut should be restored to her Highness the Munny Begum, I have already troubled you with my request, that, regarding my situation with an eye of favour, you will approve of this measure. I am credibly informed that some one of my enemies, from selfish views, has, for the purpose of oversetting this measure, written you that the said Begum procured from me by artifice the letter I wrote you on this subject. This causes me the greatest astonishment. Please to consider, that artifice and delusion

are confined to cheats and impostors, and can never proceed from a person of such exalted rank, who is the head and patron of all the family of the deceased Nabob, my father; and that to be deluded, being a proof of weakness and folly, can have no relation to me, except the inventor of this report considers me as void of understanding, and has represented me to the gentlemen as a blockhead and an idiot. God knows how harshly such expressions appear to me; but as the truth or falsehood has not yet been fully ascertained, I have therefore suspended my demand of satisfaction. Should it be true, be so kind as to inform me of it, that the person may be made to answer for it." My lords, here is a very proper demand; the Nabob is astonished at the suspicion that such a woman as Munny Begum, whose trade in youth had been delusion, should be capable of deluding anybody. Astonishing it certainly was that a woman who had been a deluder in youth, should be suspected to be the same in old age; and that he, a young man, should be subject to her artifices;—"they must suspect me to be a great blockhead," he says, "if a man of my rank is to be deluded." There he forgot that it is the unhappy privilege of great men to be cheated, to be deluded, much more than other persons: but he thought it so impossible in the case of Munny Begum, that he says, "produce me the traitor that could suppose it possible for me to be deluded, when I call for this woman as the governor of the country. I demand satisfaction." I rather wonder that Mr. Hastings did not inform him who it was that had reported so gross and improbable a tale, and deliver him up to the fury of the Nabob.

Mr. Hastings is absolutely besieged by him; for he receives another letter upon the 3rd of September. Here are four letters following one another quick as post expresses with horns sounding before them. "Oh, I die, I perish, I sink, if Munny Begum is not put into the government of the country. I therefore desire to have her put into the government of the country; and that you will not keep me longer in this painful suspense, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the administration of the affairs of the nizamut, which is, in fact, her own family, without the interference of any other person whatever; by this you will give me complete satisfac-

tion." Here is a correspondence more like an amorous than a state correspondence. What is this man so eager about, what in such a rage about, that he cannot endure the smallest delay of the post with common patience—why, lest this old woman (who is not his mother, and with whom he had no other tie of blood) should not be made mistress of himself and the whole country! However, in a very few months afterwards he himself is appointed by Mr. Hastings to the government; and you may easily judge by the preceding letters who was to govern. It would be an affront to your lordships' judgment to attempt to prove who was to govern, after he had desired to put the whole government of affairs into the hands of Munny Begum. Now, Munny Begum having obtained this salary, and being invested with this authority, and made in effect the total and entire governor of the country, as I have proved by the Nabob's letters, let us see the consequences of it; and then I desire to know whether your lordships can believe that in all this haste, which, in fact, is Mr. Hastings's haste and impatience (for we shall prove that the Nabob never did or could take a step but by his immediate orders and directions),—whether your lordships can believe that Mr. Hastings would incur all the odium attending such transactions, unless he had some corrupt consideration.

My lords, very soon after these appointments were made, consisting of Munny Begum at the head of the affairs, the lord chief justice under her and under her direction, and Rajah Goordass as steward of the household, the first thing we hear is, just what your lordships expect to hear upon such a case, that this unfortunate chief justice, who was a man undoubtedly of but a poor, low disposition, but I believe a perfectly honest, perfectly well-intentioned man, found it absolutely impossible for him to execute his office under the direction of Munny Begum; and, accordingly, in the month of September following, he sends a complaint to Mr. Hastings —"That certain bad men had gained an ascendency over the Nabob's temper, by whose instigation he acts." After complaining of the slights he receives from the Nabob, he adds, "thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that by compelling me to dis-

pleasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves." This is followed by another letter, in which he shows who those corrupt men were that had gained the ascendency over the Nabob's temper—namely, the eunuchs of Munny Begum; one of them her direct instrument in bribery with Mr. Hastings. What you would expect from such a state of things accordingly happened. Everything in the course of justice was confounded; all official responsibility destroyed; and nothing but a scene of forgery, peculation, and knavery of every kind and description prevailed through the country, and totally disturbed all order and justice in it. He says, "The Begum's ministers before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received at two different times near 50,000 rupees, in the name of the officers of the adawlut, foujdarry, &c., from the Company's circar; and having drawn up an account current in the manner they wished, they got the Nabob to sign it, and then sent it to me." In the same letter he asserts, "that these people have the Nabob entirely in their power."

My lords, you see here Mr. Hastings enabling the corrupt eunuchs of this wicked old woman to draw upon the Company's treasury at their pleasure, under forged papers of the Nabob, for just such monies as they please, under the name and pretence of giving it to the officers of justice, but which they distribute among themselves as they think fit. This complaint was soon followed by another, and they furnish, first, the strongest presumptive proof of the corrupt motives of Mr. Hastings; and, secondly, they show the horrible mischievous effects of his conduct upon the country.

In consequence of the first complaint, Mr. Hastings directs this independent Nabob not to concern himself any longer with the foujdarry. The Nabob, who had before declared that the superintendence of all the offices belonged to him, and was to be executed by himself, or under his orders, instantly obeys Mr. Hastings, and declares he will not interfere in the business of the courts any more. Your lordships will observe further, that the complaint is not against the

Nabob, but against the creatures and the menial servants of Munny Begum, and yet it is the Nabob he forbids to interfere in this business; of the others he takes no notice; and this is a strong proof of the corrupt dealings of Mr. Hastings with this woman.—When the whole country was fallen into confusion under the administration of this woman and under her corrupt ministers, men base-born and employed in the basest offices (the men of the household train of the women of rank in that country are of that description), he writes to the Nabob again, and himself confesses the mischiefs that had arisen from his corrupt arrangements.

"At your Excellency's request, I sent Sudder-ul-Huk Khân to take on him the administration of the affairs of the adawlut and phousdarry, and hoped by that means not only to have given satisfaction to your Excellency, but that through his abilities and experience these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the phousdarry and adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them. In reply to which your Excellency expressed sentiments coïncident with mine. Notwithstanding which, your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business, as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the adawlut and phousdarry; and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder-ul-Huk Khân. This

is absolutely necessary to restore the country to a state of tranquillity."

My lords, what evidence do we produce to your lordships of the consequences of Mr. Hastings's corrupt measures?—His own. He here gives you the state into which the country was thrown by the criminal interference of the wicked woman whom he had established in power, totally superseding the regular judicial authority of the country, and throwing everything into confusion.—As usual, there is such irregularity in his conduct, and his crimes are so multiplied, that all the contrivances of ingenuity are unable to cover them: now and then he comes and betrays himself; and here he confesses to you his own weakness and the effects of his own corruption;—he had appointed Munny Begum to this office of power, he dare not say a word to her upon her abuse of it, but he lays the whole upon the Nabob. When the chief justice complains that these crimes were the consequence of Munny Begum's interference, and were committed by her creatures, why did he not say to the Nabob, the Begum must not interfere; the Begum's eunuchs must not interfere? He dared not; because that woman had concealed all the bribes but one from public notice to gratify him; she and Yatibar-Ali-Khân, her minister, who had the principal share in this destruction of justice and perversion of all the principal functions of government, had it in their power to discover the whole. Mr. Hastings was obliged, in consequence of that concealment, to support her and to support him. Every evil principle was at work. He bought a mercenary silence to pay the same back to them. It was a wicked silence, the concealment of their common guilt. There was at once a corrupt gratitude operating mutually by a corrupt influence on both, and a corrupt fear influencing the mind of Mr. Hastings, which did not permit him to put an end to this scene of disorder and confusion, bought at the expense of £24,000 a year to the Company. You will hereafter see what use he makes of the evidence of Yatibar-Ali-Khân and of this woman for concealing their guilt.

Your lordships will observe, that the virtuous majority, whose reign was but short, and two of whom died of grief and vexation under the impediments which they met with

from the corruptions and oppositions of Mr. Hastings (their indirect murderer; for it is well known to the world that their hearts were thus broken), put their conduct out of all suspicion. For they ordered an exact account to be kept by Mahomed Reza Khân; though, certainly, if any person in the country could be trusted, he, upon his character, might; but they did not trust him, because they knew the Company did not suffer them to trust any man: they ordered an exact account to be kept by him of the Nabob's expenses, which finally must be the Company's expenses; they ordered the account to be sent down yearly to be controlled, if necessary, whilst the means of control existed. What was Mr. Hastings's conduct? He did not give the persons whom he appointed any order to produce any account, though their character and circumstances were such as made an account ten thousand times more necessary from them than from those from whom it had been in former times by the Company strictly exacted. So that his not ordering any account to be given of the money that was to be expended leaves no doubt that the appointment of Munny Begum was in pursuance of his old system of bribery, and that he maintained her in office, to the subversion of public justice, for the purpose of robbing, and of continuing in the practice of robbing, the country.

But though this continued longer than was for the good of the country, yet it did not continue absolutely and relatively long; because the court of directors, as soon as they heard of this iniquitous appointment, which glared upon them in all the light of its infamy, immediately wrote the strongest, the most decided, and the most peremptory censure upon him, attributing his acts, every one of them, to the same causes to which I attribute them. As a proof that the court of directors saw the thing in the very light in which I represent it to your lordships, and indeed in which every one must see it, you will find that they reprobate all his idle excuses; that they reprobate all the actors in the scene; that they consider everything to have been done, not by the Nabob, but by himself; that the object of the appointment of Munny Begum was *money*, and that the consequence of that appointment was the robbery of the Nabob's treasury. "We by no means approve your late proceedings, on the ap-

plication of the Nabob Mobareck ul Dowlah, for the removal of the naib soubahdar. The requisition of Mobareck ul Dowlah was improper and unfriendly; because he must have known that the late appointment of Mahomed Reza Khân to the office of naib soubahdar had been marked with the Company's special approbation; and that the court of directors had assured them of their favour, so long as a firm attachment to the Company's interest and a proper discharge of the duties of his station should render him worthy of their protection. We therefore repeat our declaration, that to require the dismission of a prime minister thus circumstanced, without producing the smallest proof of his infidelity to the Company, or venturing to charge him with one instance of mal-administration in the discharge of his public duty, was improper, and inconsistent with the friendship subsisting between the Nabob of Bengal and the Company." And further on they say—"The Nabob having intimated that he had repeatedly stated the trouble and uneasiness which he had suffered from the naibship of the nizamut being vested in Mahomed Reza Khân, we observe one of the members of your board desired the Nabob's repeated letters on the subject might be read; but this reasonable request was overruled, on a plea of saving the board's time, which we can by no means admit as a sufficient objection. The Nabob's letters of the 25th and 30th August, of the 3rd September, and 17th November, leave us no doubt of the true design of this extraordinary business being to bring forward Munny Begum, and again to invest her with improper power and influence, notwithstanding our former declaration that so great a part of the Nabob's allowance had been embezzled or misapplied under her superintendence."

At present, I do not think it necessary, because it would be doing more than enough, it would be slaying the slain, to show your lordships what Mr. Hastings's motives were in acting against the sense of the East-India Company, appointed by an act of parliament to control him; that he did it for a corrupt purpose; that all his pretences were false and fraudulent, and that he had his own corrupt views in the whole of the proceeding. But, in the statement which I have given of this matter, I beg your lordships to observe the instruments with which Mr. Hastings acts. The great men

of that country, and particularly the soubahdar himself, the Nabob, are and is in so equivocal a situation, that it afforded him two bolting holes, by which he is enabled to resist the authority of the Company, and exercise an arbitrary authority of his own; for, though the Nabob has the titles of high sovereignty, he is the lowest of all dependants: he appears to be the master of the country; he is a pensioner of the Company's government.

When Mr. Hastings wants him to obey and answer his corrupt purposes, he finds him in the character of a pensioner: when he wants his authority to support him in opposition to the authority of the Company, immediately he invests him with high sovereign powers; and he dare not execute the orders of the Company for fear of doing some act that will make him odious in the eyes of God and man. We see how he appointed all officers for him, and forbade his interference in all affairs. When the Company see the impropriety and the guilt of these acts, and order him to rescind them, and appoint again Mahomed Reza Khân, he declares he will not: that he cannot do it in justice, but that he will consent to send him the order of the Company, but without backing it with any order of the board; which, supposing even there had been no private communication, was in other words commanding him to disobey it. So this poor man, who a short time before was at the feet of Mr. Hastings, whom Mr. Hastings declared to be a pageant, and swore in a court of justice that he was but a pageant, and followed that affidavit with long declarations in council, that he was a pageant in sovereignty, and ought in policy ever to be held out as such,—this man he sets up in opposition to the Company, and refuses to appoint Mahomed Reza Khân to the office which was guarantied to him by the express faith of the Company, pledged to his support. Will any man tell me that this resistance, under such base though plausible pretences, could spring from any other cause than a resolution of persisting systematically in his course of corruption and bribery through Munny Begum?

But there is another circumstance, that puts this in a stronger light: he opposes the Nabob's mock authority to the authority of the Company; and leaves Mahomed Reza Khân unemployed, because, as he says, he cannot in justice

execute orders from the Company (though they are his undoubted masters), contrary to the rights of the Nabob. You see what the rights of the Nabob were: the rights of the Nabob were to be governed by Munny Begum and her scandalous ministers. But, however, we now see him exalted to be an independent sovereign; he defies the Company at the head of their armies and their treasury; that name, that makes all India shake, was defied by one of its pensioners. My lords, human greatness is an unstable thing. This man, so suddenly exalted, was as soon depressed; and the manner of his depression is as curious as that of his exaltation by Mr. Hastings; and will tend to show you the man most clearly.—Mr. Francis, whose conduct all along was directed by no other principles than those which were in conformity with the plan adopted by himself and his virtuous colleagues, namely, an entire obedience to the laws of his country, and who constantly had opposed Mr. Hastings upon principles of honour, and principles of obedience to the authority of the Company, under which he acted, had never contended for any one thing, in any way, or in any instance, but obedience to them, and had constantly asserted that Mahomed Reza Khân ought to be put into employment. Mr. Hastings as constantly opposed him; and the reason he gave for it was, that it was against the direct rights of the Nabob; and that they were rights so sacred, that they could not be infringed even by the sovereign authority of the Company ordering him to do it. He had so great an aversion to the least subtraction of the Nabob's right, that, though expressly commanded by the court of directors, he would not suffer Mahomed Reza Khân to be invested with his office under the Company's authority. The Nabob was too sovereign—too supreme for him to do it: but such is the fate of human grandeur, that a whimsical event reduced the Nabob to his state of pageant again, and made him the mere subject of—you will see whom. Mr. Hastings found he was so embarrassed by his disobedience to the spirit of the orders of the Company, and by the various wild projects he had formed, as to make it necessary for him, even though he had a majority in the council, to gain over at any price Mr. Francis. Mr. Francis, frightened by the same miserable situation of affairs (for this happened at a most dangerous period—the height of the

Mahratta war), was willing likewise to give up his opposition to Mr. Hastings, to suspend the execution of many rightful things, and to concede them to the public necessity. Accordingly, he agreed to terms with Mr. Hastings. But what was the price of that concession? Any base purpose, any desertion of public duty? No: all that he desired of Mr. Hastings was, that he should obey the orders of the Company; and among other acts of the obedience required was this, that Mahomed Reza Khân should be put into his office.

You have heard how Mr. Hastings opposed the order of the Company, and on what account he opposed it. On the first of September he sent an order to the Nabob, now become his subject, to give up this office to Mahomed Reza Khân; an act, which he had before represented as a dethroning of the Nabob. The order went on the first of September, and on the third, this great and mighty prince, whom all earth could not move from the assertion of his rights, gives them all up; and Mahomed Reza Khân is invested with them. So there all his pretences were gone. It is plain, that what had been done before was for Munny Begum, and that what he now gave up was from necessity: and it shows that the Nabob was the meanest of his servants; for in truth he ate his daily bread out of the hands of Mr. Hastings through Munny Begum.

Mahomed Reza Khân was now invested again with his office; but, such was the treachery of Mr. Hastings, that though he wrote to the Nabob that this was done in consequence of the orders of the Company, he did clandestinely, according to his usual mode, assure the Nabob that Mahomed Reza Khân should not hold the place longer than till he heard from England. He then wrote him another letter, that he should hold it no longer than while he submitted to his present necessity; thus giving up to his colleague what he refused to the Company; and engaged, privately, that he would dismiss Mahomed Reza Khân again. And, accordingly, the moment he thought Mr. Francis was not in a condition to give him trouble any longer, that moment he again turned out Mahomed Reza Khân from that general superintendence of affairs which the Company gave him; and deposed him as a minister, leaving him only a very confined authority as a magistrate. All these changes, no less than

four great revolutions, if I may so call them, were made by Mr. Hastings for his own corrupt purposes. This is the manner in which Mr. Hastings has played with the most sacred objects that man ever had a dealing with; with the government—with the justice—with the order—with the dignity—with the nobility of a great country: he played with them to satisfy his own wicked and corrupt purposes through the basest instrument.

Now, my lords, I have done with these presumptions of corruption with Munny Begum, and have shown that it is not a slight crime, but that it is attended with a breach of public faith—with a breach of his orders—with a breach of the whole English government, and the destruction of the native government—of the police—the order—the safety—the security—and the justice of the country: and that all these are much concerned in this cause. Therefore the Commons stand before the face of the world and say, we have brought a cause—a great cause—a cause worthy the Commons of England to prosecute, and worthy the Lords to judge and determine upon.

I have now nothing further to state, than what the consequences are of Mr. Hastings taking bribes; that Mr. Hastings's taking of bribes is not only his own corruption, but the incurable corruption of the whole service. I will show, first, that he was named in 1773 to put an end to that corruption. I will show that he did not; that he knowingly and willingly connived at it; and that that connivance was the principal cause of all the disorders that have hitherto prevailed in that country. I will show you that he positively refused to obey the Company's order to inquire into and to correct the corruptions that prevailed in that country. Next, that he established an avowed system of connivance, in order to gain over everything that was corrupt in the country. And that, lastly, to secure it, he gave up all the prosecutions, and enervated and took away the sole arm left to the Company for the assertion of authority and the preservation of good morals and purity in their service.

My lords, here is a letter in the year 1773, in which the court of directors had, upon his own representation, approved some part of his conduct; he is charmed with their approbation; he promises the greatest things: but I believe your lordships will see from the manner in which he proceeds at

that very instant, that a more deliberate system for not only being corrupt himself, but supporting corruption in others, never was exhibited in any public paper.—"While I indulge the pleasure which I received from the past successes of my endeavours, I own I cannot refrain from looking back with a mixture of anxiety on the omissions by which I am sensible I may since have hazarded the diminution of your esteem. All my letters, addressed to your honourable court and to the secret committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you had been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were intrusted with it, and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed: yet such are the cares and embarrassments of this various state, that although much may be done, much more even in matters of moment must necessarily remain neglected. To select from the miscellaneous heap which each day's exigencies present to our choice, those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labours most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interests, to endless researches, which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence both here and at home."

My lords, this is the first man, I believe, that ever took

credit for his sincerity from his breach of his promises—"I could not," he says, "have made these promises, if I had not thought that I could perform them." Now I find I cannot perform them, and you have in that non-performance and in that profession a security for my sincerity when I promised them. Upon this principle, any man who makes a promise has nothing to do afterwards but to say that he finds himself (without assigning any particular cause for it) unable to perform it, not only to justify himself for his non-performance, but to justify himself and claim credit for sincerity in his original profession. The charge was given him specially, and he promised obedience, over and over, upon the spot, and in the country in which he was no novice, for he had been bred in it: it was his native country in one sense, it was the place of his renewed nativity and regeneration. Yet this very man, as if he was a novice in it, now says, "I promised you what I now find I cannot perform." Nay, what is worse, he declares no man could perform it, if he gave up his whole time to it: and, lastly, he says, that the inquiry into these corruptions, even if you succeeded in it, would do more harm than good. Now, was there ever an instance of a man so basely deserting a duty, and giving so base a reason for it? His duty was to put an end to corruption in every channel of government.—It cannot be done. Why? because it would expose our affairs to malignity and enmity, and end perhaps to our disadvantage. Not only will he connive himself, but he advises the Company to do it. For fear of what? for fear that their service was so abandoned and corrupt, that the display of the evil would tend more to their disreputation than all their attempts to reform it would tend to their service.

Mr. Hastings should naturally have imagined that the law was a resource in this desperate case of bribery: he tells you, that in "that charge of oppression, though they were supported by the cries of the people and the most authentic representations, it is yet impossible in most cases to obtain legal proofs." Here is a system of total despair upon the business, which I hope and believe is not a desperate one, and has not proved a desperate one whenever a rational attempt has been made to pursue it. Here you find him corrupt, and you find, in consequence of that corruption, that he screens the whole body of corruption in India, and

states an absolute despair of any possibility, by any art or address, of putting an end to it. Nay, he tells you, that if corruption did not exist, if it was not connived at, that the India Company could not exist: whether that be a truth or not I cannot tell; but this I know, that it is the most horrible picture that ever was made of any country. It might be said, that there were excuses for omissions, sins of omission he calls them. I will show that they were systematic, that Mr. Hastings did uniformly profess that he would connive at abuses, and contend that abuses ought to be connived at. When the whole mystery of the iniquity, in which he himself was deeply concerned, came to light; when it appeared that all the Company's orders were contravened; that contracts were given directly contrary to their orders, and upon principles subversive of their government, leading to all manner of oppression and ruin to the country; what was Mr. Hastings's answer? "I must here remark, that the majority * * * * * I had not the power of establishing it." [1] Then he goes on and states other cases of corruption, at every one of which he winks. Here he states another reason for his connivance: "Suppose again," for he puts another supposition, and these suppositions are not hypotheses laid down for argument, but real facts then existing before the council examining into grievances; "Suppose again, that any person had benefited himself * * * * * unprofitable discussion." [2]

Here is a direct avowal of his refusing to examine into the conduct of persons in the council, even in the highest departments of government, and the best paid, for fear he should dissatisfy them, and should lose their votes, by discovering those peculations and corruptions, though he perfectly knew them. Was there ever, since the world began, any man who would dare to avow such sentiments, until driven to the wall? If he could show that he himself abhorred bribes, and kept at a distance from them, then he might say, I connive at the bribes of others; but when he acknowledges that he takes bribes, how can you doubt that he buys a corrupt confederacy, and puts an end to any hope through him of reformation of the abuses at Bengal? But your lordships will see that he not only connived at abuse,

[1] Document wanting. [2] Document wanting.

but patronized it, and supported it for his own political purposes, since he here confesses that if inquiry into it created him ill-humour, and produced him an opposition in council, he sacrificed it to the power of the Company and the constitution of their government.—Did he so? The Company ordered him to prosecute those people, and their constitution required that they should be prosecuted. No, says Mr. Hastings, the conniving at it procures a majority of votes. The very thing that he bought was not worth half the price he paid for it. He was sent to reform corruptions, and in order that he might reform corruptions, he winked at, countenanced, and patronized them, to get a majority of votes; and what was in fact a sacrifice to his own interest, ambition, and corruption, he calls a sacrifice to the Company. He puts then this alternative, either give everything into my hand, suffer me to go on, and have no control, or else I wink at every species of corruption. It is a remarkable and stupendous thing, that when all the world was alarmed at the disorders of the Company; when that alarm occasioned his being sent out; and when, in consequence of that alarm, parliament suspended the constitution of the Company, and appointed another government, Mr. Hastings should tell that Company that parliament had done wrong, and that the person put at the head of that government was to wink at those abuses.—Nay, what is more, not only does Mr. Hastings declare, upon general principles, that it was impossible to pursue all the delinquencies of India; and that if possible to pursue them, mischief would happen from it; but your lordships will observe, that Mr. Hastings in this business, during the whole period of the administration of that body which was sent out to inquire into and reform the corruptions of India, did not call one person to an account; nor, except Mr. Hastings, this day, has any one been called to an account or punished for delinquency. Whether he will be punished or no, time will show. I have no doubt of your lordships' justice, and of the goodness of our cause.

The table of the House of Commons groaned under complaints of the evils growing in India under this systematic connivance of Mr. Hastings. The directors had set on foot prosecutions, to be conducted God knows how; but such as they were, they were their only remedy; and they began

to consider at last, that these prosecutions had taken a long oblivious nap of many years; and, at last, knowing that they were likely in the year 1782 to be called to a strict account about their own conduct, the court of directors began to rouse themselves, and they write thus: "Having in several of our letters to you very attentively perused all the proceedings referred to in these paragraphs, relative to the various forgeries on the Company's treasuries, we lament exceedingly that the parties should have been so long in confinement without being brought to trial."

Here, my lords, after justice had been asleep a while, it revived. They directed two things; first, that those suits should be pursued; but whether pursued or not, that an account of the state of them should be given, that they might give orders concerning them.

Your lordships see the orders of the Company. Did they not want to pursue and to revive those dormant prosecutions? they want to have a state of them, that they may know how to direct the future conduct of them with more effect and vigour than they had yet been pursued with. You will naturally imagine that Mr. Hastings did not obey their orders, or obeyed them languidly: no; he took another part. He says, "having attentively read and weighed the arguments * * * * * for withdrawing them."[1] Thus he begins with the general principle of connivance; he directly avows he does it for a political purpose; and when the Company directs he shall proceed in the suits, instead of deferring to their judgment, he takes the judgment on himself, and says theirs is untenable; he directly discharges the prosecutions of the Company; supersedes the authority of his masters, and gives a general release to all the persons who were still suffering by the feeble footsteps of justice in that country. He gave them an act of indemnity, and that was the last of his acts.

Now when I show the consequence of this bribery, the presumptions that arise from his own bribes, his attention to secure others from the punishment of theirs; and, when ordered to carry on a suit, his discharging it: when we see all this, can we avoid judging and forming our opinions upon two grand points: first, that no man would proceed in that

[1] Document wanting.

universal patronage of guilt, unless he was guilty himself: next, that by a universal connivance for fourteen years, he is himself the cause and main-spring of all the evils, calamities, extortion, and bribery that have prevailed and ravaged that country for so long a time? There is indeed no doubt either of his guilt or of the consequences of it, by which he has extinguished the last expiring hope and glimpse that remained of procuring a remedy for India of the evils that exist in it.

I would mention, that, as a sort of postscript, when he could no longer put the government into the hands of that infamous woman, Munny Begum, he sent an amorous, sentimental letter to the Company, describing her miserable situation, and advising the Company to give her a pension of 72,000 rupees a year to maintain her. He describes her situation in such a moving way as must melt every heart. He supposes her to be reduced to want by the cruel orders of the Company, who retain from her money which they were never obliged to give her. This representation, which he makes with as much fairness as he represents himself to be in a state of the most miserable poverty and distress, he alone made to the Company, because his colleagues would not countenance him in it; and we find, upon looking over Lord Cornwallis's last examination into the whole state of this unhappy family, that this woman was able to lend to Mobarick ul Dowla £20,000. Mr. Hastings, however, could not avoid making this representation; because he knew, that if he quitted the country without securing that woman by giving her a hope that she could procure by his credit here that money which by his authority he had before procured for her, she might then make a discovery of all the corruption that had been carried on between them; and therefore he squanders away the treasures of the Company, in order to secure himself from any such detection, and to procure for himself rozanammas, and all those fine things. He knew that Munny Begum, that the whole seraglio, that all the country, whom he had put under the dominion of Sir John D'Oyley, that all those people might have made a discovery of all his corrupt proceedings; he therefore gets the Nabob to appoint Sir John D'Oyley his agent here, with a view of stopping his mouth, and, by the hope of another £160,000 a year, to pre-

vent his giving an account of the dilapidation and robbery that was made of the £160,000 which had been left him.

I have now finished what I proposed to say relative to his great fund of bribery, in the first instance of it, namely, the administration of justice in the country.

There is another system of bribery, which I shall state before my friends produce the evidence. He put up all the great offices of the country to sale; he makes use of the trust he had of the revenues in order to destroy the whole system of those revenues, and to bind them and make them subservient to his system of bribery; and this will make it necessary for your lordships to couple the consideration of the charge of the revenues, in some instances, with that of bribery.

The next day your lordships meet (when I hope I shall not detain you so long), I mean to open the second stage of his bribery, the period of discovery; for the first stage was the period of concealment. When he found his bribes could no longer be concealed, he next took upon him to discover them himself, and to take merit from them.

When I shall have opened the second scene of his peculation, and his new principles of it, when you see him either treading in old corruptions, and excelling the examples he imitated, or exhibiting new ones of his own, in which of the two his conduct is the most iniquitous, and attended with most evil to the Company, I must leave your lordships to judge.

TRIAL.

TUESDAY, 5TH MAY, 1789.

(MR. BURKE.)

MY LORDS,—Agreeably to your lordships' proclamation, which I have just heard, and the duty enjoined me by the House of Commons, I come forward to make good their

charge of high crimes and misdemeanours against Warren Hastings, Esq., late Governor-General of Bengal, and now a prisoner at your bar. My lords, since I had last the honour of standing in this place before your lordships, an event has happened, upon which it is difficult to speak, and impossible to be silent. My lords, I have been disavowed by those who sent me here to represent them. My lords, I have been disavowed in a material part of that engagement which I had pledged myself to this House to perform. My lords, that disavowal has been followed by a censure; and yet, my lords, so censured and so disavowed, and by such an authority, I am sent here again, to this the place of my offence, under the same commission, by the same authority, to make good the same charge, against the same delinquent. My lords, the situation is new and awful: the situation is such as, I believe and I am sure, has nothing like it on the records of parliament, nor probably in the history of mankind. My lords, it is not only new and singular, but, I believe, to many persons, who do not look into the true interior nature of affairs, it may appear that it would be to me as mortifying as it is unprecedented. But, my lords, I have in this situation, and upon the consideration of all the circumstances, something more to feed my mind with than mere consolation, because, my lords, I look upon the whole of these circumstances, considered together, as the strongest, the most decisive, and the least equivocal proof which the Commons of Great Britain can give of their sincerity and their zeal in this prosecution. My lords, is it from a mistaken tenderness or a blind partiality to me that, thus censured, they have sent me to this place? No, my lords, it is because they feel and recognise in their own breasts that active principle of justice, that zeal for the relief of the people of India, that zeal for the honour of Great Britain, which characterizes me and my excellent associates; that, in spite of any defects in consequence of that zeal which they applaud, and while they censure its mistakes, and, because they censure its mistakes, do but more applaud, they have sent me to this place instructed, but not dismayed, to pursue this prosecution against Warren Hastings, Esq. Your lordships will therefore be pleased to consider this, as I consider it, not as a thing honourable to me in the first place, but as honourable to the Commons of Great Bri-

tain, in whose honour the national glory is deeply concerned; and I shall suffer myself with pleasure to be sacrificed perhaps in what is dearer to me than my life, my reputation, rather than let it be supposed that the Commons should for one moment have faltered in their duty. I, my lords, on the one hand feeling myself supported and encouraged, feeling protection and countenance from this admonition and warning which has been given to me, will show myself, on the other hand, not unworthy so great and distinguished a mark of the favour of the Commons, a mark of favour, not the consequence of flattery, but of opinion. I shall feel animated and encouraged by so noble a reward, as I shall always consider the confidence of the Commons to be; the only reward, but a rich reward, which I have received for the toils and labours of a long life.

The Commons then thus vindicated, and myself thus encouraged, I shall proceed to make good the charge, in which the honour of the Commons, that is, the national honour, is so deeply concerned. For, my lords, if any circumstance of weakness, if any feebleness of nerve, if any yielding to weak and popular opinions and delusions, were to shake us, consider what the situation of this country would be. This prosecution, if weakly conceived, ill digested, or intemperately pursued, ought never to have been brought to your lordships' bar: but being brought to your lordships' bar, the nation is committed to it, and the least appearance of uncertainty in our minds would disgrace us for ever. *Esto perpetua* has been said. To the glory of this nation, much more be it said, *esto perpetua;* and I will say, that as we have raised and exhibited a theatre of justice, which has excited the admiration of all Europe, there would be a sort of lustre in our infamy, and a splendour in the disgrace that we shall bring upon ourselves, if we should, just at that moment, turn that theatre of our glory into a spectacle of dishonour beyond what has ever happened to any country of the world.

The Commons of Great Britain, whilst willing to keep a strong and firm hand over all those who represent them in any business, do, at the same time, encourage them in the prosecution of it, by allowing them a just discretion and latitude wherever their own orders have not marked a distinction. I shall therefore go on with the more cheerful confi-

dence, not only for the reasons that I have stated, but for another and material reason. I know and am satisfied that, in the nobleness of your judgment, you will always make a distinction between the person that gives the order and the organ that is to execute it. The House of Commons know no such thing as indiscretion, imprudence, or impropriety: it is otherwise with their instruments. Your lordships very well know, that if you hear anything that shall appear to you to be regular, apt to bring forward the charge, just, prudent, cogent, you are to give it to the Commons of Great Britain in parliament assembled; if you should hear from me (and it must be from me alone, and not from any other member of the committee) anything that is unworthy of that situation, that comes feeble, weak, indigested, or ill prepared you are to attribute that to the instrument. Your lordships' judgment would do this without my saying it, but whilst I claim it on the part of the Commons for their dignity, I claim for myself the necessary indulgence that must be given to all weakness. Your lordships, then, will impute it where you would have imputed it without my desire. It is a distinction you would naturally have made, and the rather, because what is alleged by us at the bar is not the ground upon which you are to give judgment. If not only I, but the whole body of managers, had made use of any such expressions as I made use of, even if the Commons of Great Britain in parliament assembled, if the collective body of parliament, if the voice of Europe, had used them; if we had spoken with the tongues of men and angels, you, in the seat of judicature, are not to regard what we say, but what we prove; you are to consider whether the charge is well substantiated, and proof brought out, by legal inference and argument. You know, and I am sure the habits of judging which your lordships have acquired by sitting in judgment, must better inform you than any other men, that the duties of life, in order to be well performed, must be methodized, separated, arranged, and harmonized, in such a manner that they shall not clash with one another; but each have a department assigned and separated to itself. My lords, in that manner it is that we, the prosecutors, have nothing to do with the principles which are to guide the judgment: that we have nothing to do with the defence of the prisoner. Your lordships well know, that, when we come

before you, you hear a party; that when the accused come before you, you hear a party: that it is for you to doubt and wait till you come to the close, before you decide: that it is for us, the prosecutors, to have decided before we came here. To act as prosecutors, we ought to have no doubt, or hesitation, nothing trembling or quivering in our minds upon the occasion. We ought to be fully convinced of guilt, before we come to you. It is then our business to bring forward the proofs, to enforce them with all the clearness, illustration, example, that we can bring forward: that we are to show the circumstances that can aggravate the guilt; that we are to go further, show the mischievous consequences and tendency of those crimes to society; and that we are, if able so to do, to arouse and awaken in the minds of all that hear us, those generous and noble sympathies which Providence has planted in the breasts of all men, to be the true guardians of the common rights of humanity. Your lordships know that this is the duty of the prosecutors, and that, therefore, we are not to consider the defence of the party, which is wisely and properly left to himself; but we are to press the accusation with all the energy of which it is capable, and to come with minds perfectly convinced before an august and awful tribunal, which at once tries the accuser and the accused.

Having stated thus much with respect to the Commons, I am to read to your lordships the resolution which the Commons have come to upon this great occasion, and upon which I shall take the liberty to say a very few words.

My lords, the Commons have resolved last night, and I did not see the resolution till this morning, "That no direction or authority was given by this House to the committee appointed to manage the impeachment against Warren Hastings, Esq., to make any charge or allegation against the said Warren Hastings respecting the condemnation or execution of Nundcomar; and that the words spoken by the Right Honourable Edmund Burke, one of the said managers, videlicet, that *He* (meaning Mr. Hastings) murdered that man (meaning Nundcomar) by the hands of Sir Elijah Impey, ought not to have been spoken."

My lords, this is the resolution of the House of Commons. Your lordships well know and remember my having used such or similar words, and the end and purpose for which I

used them. I owe a few words of explanation to the Commons of Great Britain, who attend in a committee of the whole House to be the observers and spectators of my conduct. I owe it to your lordships; I owe it to this great auditory; I owe it to the present times and to posterity to make some apology for a proceeding which has drawn upon me the disavowal of the House which I represent. Your lordships will remember that this charge, which I have opened to your lordships, is primarily a charge founded upon the evidence of the Rajah Nundcomar, and consequently I thought myself obliged, I thought it a part of my duty, to support the credit of that person, who is the principal evidence to support the direct charge that is brought before your lordships. I knew that Mr. Hastings, in his anticipated defence before the House of Commons, had attempted to shake the credit of that witness. I therefore thought myself justified in informing your lordships, and in warning him, that if he did attempt to shake the credit of an important witness against him, by an allegation of his having been condemned and executed for a forgery, I would endeavour to support his credit by attacking that very prosecution which brought on that condemnation and that execution; and that I did consider it, and would lay grounds before your lordships to prove it, to be a murder committed, instead of a justification set up, or that ought to be set up.

Now, my lords, I am ordered by the Commons no longer to persist in that declaration, and I, who know nothing in this place, and ought to know nothing in this place, but obedience to the Commons, do mean, when Mr. Hastings makes that objection, if he shall be advised to make it against the credit of Rajah Nundcomar, not thus to support that credit; and, therefore, that objection to the credit of the witness must go unrefuted by me. My lords, I must admit, perhaps against my private judgment (but that is of no consideration for your lordships, when opposed to the judgment of the House of Commons), or at least not contest, that a first minister of state, in a great kingdom, who had the benefit of the administration and of the entire and absolute command of a revenue of fifteen hundred thousand pounds a year, had been guilty of a paltry forgery in Calcutta; that this man, who had been guilty of this paltry forgery, had waited for his

sentence and his punishment till a body of English judges, armed with an English statute, came to Calcutta; and that this happened at the very happy nick and moment when he was accusing Mr. Hastings of the bribery with which we now, in the name of the Commons, charge him; that it was owing to an entirely fortuitous concurrence of circumstances, in which Mr. Hastings had no share, or that it was owing to something beyond this, something that is rather pious than fortuitous, namely, that, as Mr. Hastings tells you himself, "all persuasions of men were impressed with a superstitious belief that a fortunate influence directed all my actions to their destined ends." I, not being at that time infected with the superstition, and considering what I thought Mr. Hastings's guilt to be, and what I must prove it to be, as well as I can, did not believe that Providence did watch over Mr. Hastings, so as, in the nick of time, like a god in a machine, to come down to save him in the moment of his imminent peril and distress: I did not think so, but I must not say so.

But now, to show that it was not weakly, loosely, or idly that I took up this business, or that I anticipated a defence which it was not probable for Mr. Hastings to make (and I wish to speak to your lordships in the first instance, but to the Commons in the next), I will read part of Mr. Hastings's defence before the House of Commons; it is in evidence before your lordships. He says, "My accuser" (meaning myself, then acting as a private member of parliament) "charges me with the receipt of large sums of money, corruptly taken before the promulgation of the regulating act of 1773, contrary to my covenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions." And he ushers in this charge in the following pompous diction:—"That in March, 1775, the late Rajah Nundcomar, a native Hindoo of the highest caste in his religion, and of the highest rank in society by the offices which he had held under the country government, did lay before the council an account of various sums of money," &c. "It would naturally strike every person, ignorant of the character of Nundcomar, that an accusation made by a person of the highest caste in his religion, and of the highest rank by his offices, demanded

particular notice, and acquired a considerable degree of credit, from a prevalent association of ideas, that a nice sense of honour is connected with an elevated rank of life; but when this honourable House is informed that my accuser knew (though he suppressed the facts) that this person, of high rank and high caste, had forfeited every pretension to honour, veracity, and credit; that these are facts recorded in the very proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum and the Nabob Zeteram ul Dowlah (independent of the forgery for which he suffered death), of the most deliberate treachery to the state, for which he was confined, by the orders of the court of directors, to the limits of the town of Calcutta, in order to prevent his dangerous intrigues; and of having violated every principle of common honesty in private life; I say, when this honourable House is acquainted it is from mutilated and garbled assertions, founded on the testimony of such an evidence, without the whole matter being fairly stated, I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were before rejected by the court of directors, and his Majesty's ministers, when they were first made by General Clavering, Colonel Monson, and Mr. Francis."

"I must here interrupt the course of my defence to explain on what grounds I employed, or had any connexion with, a man of so flagitious a character as Nundcomar."

My lords, I hope this was a good and reasonable ground for me to anticipate the defence which Mr. Hastings would make in this House, namely, on the known, recognised, infamous character of Nundcomar with regard to certain proceedings there charged at large, with regard to one forgery, for which he suffered, and two other forgeries, with which Mr. Hastings charged him. I, who found that the Commons of Great Britain had received that very identical charge of Nundcomar, and given it to me, in trust, to make it good, did naturally, I hope excusably (for that is the only ground upon which I stand), endeavour to support that credit upon which the House acted. I hope I did so, and I hope that the goodness of that intention may excuse me, if I went a little too far on that occasion. I would have endeavoured

to support that credit, which it was much Mr. Hastings's interest to shake, and which he had before attempted to shake.

Your lordships will have the goodness to suppose me now making my apology, and by no manner of means intending to persist either in this or in anything which the House of Commons shall desire me not to declare in their name. But the House of Commons has not denied me the liberty to make you this just apology; God forbid they should; for they would be guilty of great injustice if they did. The House of Commons, whom I represent, will likewise excuse me, their representative, whilst I have been endeavouring to support their characters in the face of the world, and to make an apology, and only an humble apology, for my conduct, for having considered that act in the light that I represented it; and which I did merely from my private opinion, without any formal instruction from the House. For there is no doubt that the House is perfectly right, inasmuch as the House did neither formally instruct me, nor at all forbid my making use of such an argument; and therefore I have given your lordships the reason why it was fit to make use of such argument, if it was right to make use of it. I am in the memory of your lordships, that I did conceive it to be relevant, and it was by the poverty of the language I was led to express my private feelings under the name of a *murder*. For, if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word *murder*. It was on account of the language furnishing me with no other, I was obliged to use that word. Your lordships do not imagine, I hope, that I used that word in any other than a moral and popular sense, or that I used it in the legal and technical sense of the word *murder*. Your lordships know, that I could not bring before this bar any commoner of Great Britain on a charge for murder. I am not so ignorant of the laws and constitution of my country. I expressed an act which I conceived to be of an atrocious and evil nature, and partaking of some of the moral evil consequences of that crime. What led me into that error? nine years' meditation upon that subject.

My lords, the prisoner at the bar, in the year 1780, sent a petition to the House of Commons complaining of that very chief justice, Sir Elijah Impey. The House of Commons, who then had some trust in me, as they have some trust still, did order me, along with persons more wise and judicious than myself, several of whom stand near me, to make an inquiry into the state of the justice of that country. The consequence of that inquiry was, that we began to conceive a very bad opinion both of the complainant and defendant in that business; that we found the English justice to be, as we thought it, and reported it to the House, a grievance instead of a redress to the people of India.—I could bring before your lordships, if I did not spare your patience, whole volumes of reports, whole bodies of evidence, which in the progress we have made, in the course of eight or nine years, brought to my mind such a conviction as will never be torn from my heart but with my life; and I should have no heart that was fit to lodge any honest sentiment, if I departed from my opinion upon that occasion. But when I declare my own firm opinion upon it; when I declare the reasons that led me to it; when I mention the long meditation that preceded my founding a judgment upon it, the strict inquiry, the many hours and days spent in consideration, collation, and comparison, I trust that infirmity, which could be actuated by no malice to one party or the other, may be excused; I trust that I shall meet with this indulgence, when your lordships consider, that as far as you know me, as far as my public services for many years account for me, I am a man of a slow, laborious, inquisitive temper; that I do seldom leave a pursuit without leaving marks, perhaps of my weakness, but leaving marks of that labour; and that, in consequence of that labour, I made that affirmation, and thought the nature of the cause obliged me to support and substantiate it. It is true, that those who sent me here have sagacity to decide upon the subject in a week; they can in one week discover the errors of my labours for nine years.

Now that I have made this apology to you, I assure you you shall never hear me, either in my own name here, much less in the name of the Commons, urge one thing to you in support of the credit of Nundcomar grounded upon that judgment, until the House shall instruct and order me otherwise;

because I know, that when I can discover their sentiments, I ought to know nothing here but what is in strict and literal obedience to them.

My lords, another thing might make me perhaps a little willing to be admitted to the proof of what I advanced, and that is, the very answer of Mr. Hastings to this charge, which the House of Commons, however, have adopted, and, therefore, in some degree purified. "To the malicious part of this charge, which is the condemnation of Nundcomar for a forgery, I do declare, in the most solemn and unreserved manner, that I had no concern, either directly or indirectly, in the apprehending, prosecuting, or executing of Nundcomar. He suffered for a crime of forgery, which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the dewannee courts of the country, before the institution of the supreme court of judicature. To adduce this circumstance, therefore, as a confirmation of what was before suspicious from his general depravity of character, is just as reasonable as to assert that the accusations of Empson and Dudley were confirmed because they suffered death for their atrocious acts."

My lords, this was Mr. Hastings's defence before the House of Commons, and it is now in evidence before your lordships. In this defence, he supposes the charge, which was made originally before the Commons, and which the Commons voted (though afterwards, for the convenience of shortening it, the affair was brought before your lordships in the way in which it is), he supposes, I say, the whole to proceed from a malicious intention; and I hope your lordships will not think, and I hope the Commons, reconsidering this matter, will not think, that when such an imputation of malice was made for the purpose of repelling this corroborating argument, which was used in the House of Commons to prove his guilt, I was wrong in attempting to support the House of Commons against his imputation of malice.

I must observe where I am limited and where I am not. I am limited, strictly, fully (and your lordships and my country, who hear me, will judge how faithfully I shall adhere to that limitation), not to support the credit of Nundcomar by any allegation against Mr. Hastings respecting his condemnation or execution; but I am not at all limited from

endeavouring to support his credit against Mr. Hastings's charges of other forgeries; and from showing you, what I hope to show you clearly in a few words, that Nundcomar cannot be presumed guilty of forgery with more probability than Mr. Hastings is guilty of bringing forward a light and dangerous (for I use no other words than a light and dangerous) charge of forgery, when it serves his purpose. Mr. Hastings charges Nundcomar with two other forgeries. "These two forgeries," he says, "are facts recorded in the very proceedings which my accuser partially quotes, proving this man to have been guilty of the most flagrant forgery of a letter from Munny Begum, and of a letter from the Nabob Zeteram ul Dowlah," and therefore he infers malice in those who impute anything improper to him, knowing that the proof stood so. Here he asserts, that there are records before the House of Commons, and on the Company's proceedings and consultations, proving Nundcomar to have been guilty of these two forgeries. Turn over the next page of his printed defence, and you find a very extraordinary thing. You would have imagined that this forgery of a letter from Munny Begum, which he says is recognised and proved on the journals, was a forgery charged by Munny Begum herself, or by somebody on her part, or some person concerned in this business. There is no other charge of it whatever, but the charge of Warren Hastings himself. He wants you to discredit a man for forgery upon no evidence under heaven but that of his own, who thinks proper, without any sort of authority, without any sort of reference, without any sort of collateral evidence, to charge a man with that very direct forgery. "You are," he says, "well informed of the reasons which first induced me to give any space of my confidence to Nundcomar, with whose character I was acquainted by an experience of many years. The means which he took to acquire it were peculiar to himself. He sent a messenger to me at Madras, on the first news of my appointment to this presidency, with pretended letters from Munny Begum and the Nabob Zeteram ul Dowlah, the brother of the Nabob Jaffier Ally Cawn, filled with bitter invectives against Mahomed Reza Cawn, and of as warm recommendations, as I recollect, of Nundcomar. I have been since informed by the Begum that the letter which bore her seal was a complete

forgery; and that she was totally unacquainted with the use which had been made of her name, till informed of it by Juggut Chund, Nundcomar's son-in-law, who was sent to her expressly to entreat her not to divulge it. Mr. Middleton, whom she consulted on this occasion, can attest the truth of this story."

Mr. Middleton is dead, my lords. This is not the Mr. Middleton whom your lordships heard, and know well in this House, but a brother of that Mr. Middleton, who is since dead. Your lordships find, when we refer to the records of the Company for the proof of this forgery, that there is no other than the unsupported assertion of Mr. Hastings himself, that he was guilty of it. Now that was bad enough; but then hear the rest. Mr. Hastings has charged this unhappy man, whom we must not defend, with another forgery; he has charged him with a forgery of a letter from Zeteram ul Dowlah to Mr. Hastings. Now you would imagine that he would have given his own authority at least for that assertion, which he says was proved. He goes on and says, "I have not yet had the curiosity to inquire of the Nabob, Zeteram ul Dowlah, whether his letter was of the same stamp; but I cannot doubt it."

Now here he begins in this very defence, which is before your lordships, to charge a forgery upon the credit of Munny Begum, without supporting it even by his own testimony; and another forgery in the name of Zeteram ul Dowlah, which he said he had not even the curiosity to inquire into, and yet desires you at the same time to believe it to be proved. Good God! in what condition do men of the first character and situation in that country stand, when we have here delivered to us, as a record of the Company, Mr. Hastings's own assertions, saying that these forgeries were proved, though you have, for the first, nothing but his own unsupported assertion, and for the second, his declaration only that he had not the curiosity to inquire into it. I am not forbidden by the Commons to state how and on what slight grounds Warren Hastings charges the natives of the country with forgery; neither am I forbidden to bring forward the accusation which Mr. Hastings made against Nundcomar for a conspiracy, nor the event of it, nor any circumstance relative to it. I shall therefore proceed in the best

manner I can. There was a period among the revolutions of philosophy, when there was an opinion, that, if a man lost one limb or organ, the strength of that which was lost retired into what was left. My lords, if we are straitened in this, then our vigour will be redoubled in the rest; and we shall use it with double force. If the top and point of the sword is broken off, we shall take the hilt in our hand, and fight with whatever remains of the weapon against bribery, corruption, and peculation; and we shall use double diligence under any restraint which the wisdom of the Commons may lay upon us, or your lordships' wisdom may oblige us to submit to.

Having gone through this business, and shown in what manner I am restrained, where I am not to repel Mr. Hastings's defence, and where I am left at large to do it, I shall submit to the strict injunction with the utmost possible humility, and enjoy the liberty which is left to me, with vigour, with propriety, and with discretion, I trust.

My lords, when the circumstance happened which has given occasion to the long parenthesis by which my discourse has been interrupted, I remember I was beginning to open to your lordships the second period of Mr. Hastings's scheme and system of bribery. My lords, his bribery is so extensive, and has had such a variety in it, that it must be distinguished not only with regard to its kind, but must be likewise distinguished according to the periods of bribery and the epochas of peculation committed by him. In the first of those periods we shall prove to your lordships, I believe, without the aids that we hoped for (your lordships allowing, as I trust you will do, a good deal for our situation), we shall be able, I say, to prove that Mr. Hastings took as a bribe, for appointing Munny Begum, three lacks and a half of rupees; we shall prove the taking at the same time the rajeshye bribes. Mr. Hastings at that time followed bribery in a natural manner: he took a bribe, he took it as large as he could; he concealed it as well as he could, and he got out of it by artifice or boldness, by use of trick or use of power, just as he was enabled: he acted like a wild natural man, void of instruction, discipline, and art.

The second period opened another system of bribery. About this time he began to think (from what communica-

tion your lordships may guess) of other means, by which, when he could no longer conceal any bribe that he had received, he not only might exempt himself from the charge and the punishment of guilt, but might convert it into a kind of merit, and instead of a breaker of laws, a violator of his trust, a receiver of scandalous bribes, a peculator of the first magnitude, might make himself to be considered as a great, distinguishing, eminent financier, a collector of revenue in new and extraordinary ways; and that we should thus at once praise his diligence, industry, and ingenuity. The scheme he set on foot was this: he pretended that the Company could not exist upon principles of strict justice (for so he expresses it), and that their affairs, in many cases, could not be so well accommodated by a regular revenue as by privately taking money, which was to be applied to their service by the person who took it at his discretion. This was the principle he laid down. It would hardly be believed, I imagine, unless strong proof appeared, that any man could be so daring as to hold up such a resource to a regular government, which had three millions of known, avowed, a great part of it territorial, revenue. But it is necessary, it seems, to piece out the lion's skin with a fox's tail; to tack on a little piece of bribery and a little piece of peculation, in order to help out the resources of a great and flourishing state; that they should have in the knavery of their servants, in the breach of their laws, and in the entire defiance of their covenants, a real resource applicable to their necessities; of which they were not to judge, but the persons who were to take the bribes; and that the bribes thus taken were, by a mental reservation, a private intention in the mind of the taker, unknown to the giver, to be some time or other, in some way or other, applied to the public service. The taking such bribes was to become a justifiable act, in consequence of that reservation in the mind of the person who took them, and he was not to be called to account for them in any other way than as he thought fit.

My lords, an act of parliament passed in the year 1773, the whole drift of which, I may say, was to prevent bribery, peculation, and extortion in the Company's servants; and the act was penned, I think, with as much strictness and rigour as ever act was penned. The twenty-fourth clause of chap.

63, 13 Geo. III., has the following enactment: "And be it further enacted by the authority aforesaid, that from and after the 1st day of August, 1774, no person holding or exercising any civil or military office under the crown, or the said United Company in the East Indies, shall accept, receive, or take directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity, or reward; and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted," &c. &c.

It then imposes the penalties, and your lordships see that human wisdom cannot pen an act more strongly directed against taking bribes upon any pretence whatever. This act of parliament was in affirmance of the covenant entered into by the servants of the Company, and of the explicit orders of the Company, which forbid any person whatever in trust— "directly or indirectly, to accept, take, or receive, or agree to accept, take, or receive, any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or *otherwise howsoever*, from and of the Indian princes, sovereigns, soubahs, or nabobs, or any of their ministers, servants, or agents, exceeding the value of 4000 rupees, &c. &c.

"And that he, the said Warren Hastings, shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever, which, contrary to the true intent and meaning of these presents, shall come into the hands, possession, or power of the said Warren Hastings, or any other person or persons in trust for him or for his use."

The nature of the covenant, the act of parliament, and the Company's orders are clear. First, they have not forbidden their Governor-General, nor any of their governors, to take and accept from the princes of the country, openly and publicly for their use, any territories, lands, sums of

money, or other donations, which may be offered in consequence of treaty or otherwise. It was necessary to distinguish this from every other species of acceptance, because many occasions occurred, in which fines were paid to the Company in consequence of treaties; and it was necessary to authorize the receipt of the same in the Company's treasury, as an open and known proceeding. It was never dreamed that this should justify the taking of bribes privately and clandestinely by the Governor, or any other servant of the Company, for the purpose of its future application to the Company's use. It is declared that all such bribes and money received should be the property of the Company. And why? As a means of recovering them out of the corrupt hands that had taken them; and therefore this was not a license for bribery, but a prohibitory and penal clause, providing the means of coercion, and making the prohibition stronger. Now Mr. Hastings has found out that this very coercive clause, which was made in order to enable his superiors to get at him and punish him for bribery, is a license for him to receive bribes. He is not only a practitioner of bribery, but a professor, a doctor upon the subject. His opinion is, that he might take presents or bribes to himself; he considers the penal clause which the Company attached to their prohibition, and by which all such bribes are constructively declared to be theirs, in order to recover them out of his hands, as a license to receive bribes, to extort money, and he goes with the very prohibition in his hand, the very means by which he was to be restrained, to exercise an unlimited bribery, peculation, and extortion, over the unhappy natives of the country.

The moment he finds that the Company has got a scent of any one of his bribes, he comes forward and says, To be sure, I took it as a bribe: I admit the party gave me it as a bribe: I concealed it for a time, because I thought it was for the interest of the Company to conceal it: but I had a secret intention in my own mind of applying it to their service: you shall have it; but you shall have it as I please, and when I please; and this bribe becomes sanctified the moment I think fit to apply it to your service. Now, can it be supposed that the India Company or that the act of parliament meant, by declaring that the property taken by a corrupt

servant, contrary to the true intent of his covenant, was theirs, to give a license to take such property; and that one mode of obtaining a revenue was by the breach of the very covenants which were meant to prevent extortion, peculation, and corruption? What sort of body is the India Company, which, coming to the verge of bankruptcy by the robbery of half the world, is afterwards to subsist upon the alms of peculation and bribery, to have its strength recruited by the violation of the covenants imposed upon its own servants? It is an odd sort of body to be so fed and so supported. This new constitution of revenue that he has made is indeed a very singular contrivance. It is a revenue to be collected by any officer of the Company (for they are all alike forbidden, and all alike permitted), to be collected by any person, from any person, at any time, in any proportion, by any means, and in any way he pleases; and to be accounted for, or not to be accounted for, at the pleasure of the collector; and, if applied to their use, to be applied at his discretion, and not at the discretion of his employers. I will venture to say, that such a system of revenue never was before thought of. The next part is an exchequer, which he has formed, corresponding with it. You will find the board of exchequer made up of officers ostensibly in the Company's service, of their public accountant and public treasurer, whom Mr. Hastings uses as an accountant and treasurer of bribes, accountable not to the Company, but to himself, acting in no public manner, and never acting but upon his requisition, concealing all his frauds and artifices to prevent detection and discovery. In short, it is an exchequer, in which, if I may be permitted to repeat the words I made use of on a former occasion, extortion is the assessor, in which fraud is the treasurer, confusion the accountant, oblivion the remembrancer. That these are not mere words I will exemplify as I go through the detail; I will show you that every one of the things I have stated are truths, in fact, and that these men are bound, by the condition of their recognised fidelity to Mr. Hastings, to keep back his secrets, to change the accounts, to alter the items, to make him debtor or creditor at pleasure; and by that means to throw the whole system of the Company's accounts into confusion.

I have shown the impossibility of the Company's having

intended to authorize such a revenue, much less such a constitution of it as Mr. Hastings has drawn from the very prohibitions of bribery, and such an exchequer as he has formed upon the principles I have stated. You will not dishonour the legislature or the Company, be it what it may, by thinking that either of them could give any sanction to it. Indeed you will not think that such a device could ever enter into the head of any rational man. You are then to judge, whether it is not a device to cover guilt, to prevent detection by destroying the means of it: and at the same time your lordships will judge whether the evidence we bring you to prove that revenue is a mere pretext, be not stronger than the strange absurd reasons which he has produced for forming this new plan of an exchequer of bribery.

My lords, I am now going to read to you a letter, in which Mr. Hastings declares his opinion upon the operation of the act which he now has found the means, as he thinks, of evading. My lords, I will tell you, to save you a good deal of reading, that there was certain prize money given by Shuja ul Dowlah to a body of the Company's troops, serving in the field; that this prize money was to be distributed among them; but upon application being made to Mr. Hastings for his opinion and sanction in the distribution, Mr. Hastings at first seemed inclined to give way to it, but afterwards, upon reading and considering the act of parliament before he allowed the soldiery to receive this public donation, he thus describes his opinion of the operation of the act.

Extract of a letter from Mr. Hastings to Colonel Champion, 31st August, 1774.—"Upon a reference to the new act of parliament, I was much disappointed and sorry to find that our intentions were entirely defeated by a clause in the act (to be in force after the 1st of August, 1774), which divests us of the power to grant, and expressly prohibits the army to receive, the Nabob's intended donation. Agreeable to the positive sense of this clause, notwithstanding it is expressed individually, there is not a doubt but the army is included, with all other persons, in the prohibition from receiving presents or donations; a confirmation of which is, that in the clause of exceptions, wherein 'counsellors at law, physicians, surgeons, and chaplains, are permitted to receive the fees annexed to their profession,' no mention whatever is

made of any latitude given to the army, or any circumstances wherein it would be allowable for them to receive presents. . . . . This unlucky discovery of an exclusion by act of parliament, which admits of no abatement or evasion wherever its authority extends, renders a revisal of our proceedings necessary, and leaves no option to our decision; it is not like the ordinances of the court of directors, where a favourable construction may be put, and some room is left for the interposition of the authority vested in ourselves, but positive and decisive, admitting neither of refinement, nor misconstruction. I should be happy if, in this instance, a method could be devised of setting the act aside, which I should most willingly embrace: but, in my opinion, an opposition would be to incur the penalty."

Your lordships see, Mr. Hastings considered this act to be a most unlucky discovery: indeed, as long as it remained in force, it would have been unlucky for him, because it would have destroyed one of the principal sources of his illegal profits. Why does he consider it unlucky? Because it admits of no reservation, no exception, no refinement whatever, but is clear, positive, decisive. Now, in what case was it that Mr. Hastings made this determination? In the case of a donation, publicly offered to an army serving in the field by a prince, then independent of the Company. If ever there was a circumstance in which any refinement, any favourable construction of the act, could be used, it was in favour of a body of men serving in the field, fighting for their country, spilling their blood for it, suffering all the inconveniences of that climate. It was undoubtedly voluntarily offered to them by the party, in the height of victory, and enriched by the plunder of whole provinces. I believe your lordships will agree with me, that, if any relaxation, any evasion of an act of parliament, could be allowed, if the intention of the legislature could for a moment be trifled with, or supposed for a moment doubtful, it was in this instance; and yet, upon the rigour of the act, Mr. Hastings refuses that army the price of their blood, money won solely, almost, by their arms, for a prince who had acquired millions by their bravery, fidelity, and sufferings. This was the case in which Mr. Hastings refused a public donation to the army, and from that day to this they have never received it.

If the receipt of this public donation could be thus forbidden, whence has Mr. Hastings since learned that he may privately take money, and take it not only from princes, and persons in power, and abounding in wealth, but, as we shall prove, from persons in a comparative degree of penury and distress? That he could take it from persons in office and trust, whose power gave them the means of ruining the people for the purpose of enabling themselves to pay it? Consider in what a situation the Company must be, if the Governor-General can form such a secret exchequer of direct bribes given *eo nomine* as bribes, and accepted as such by the parties concerned in the transaction, to be discovered only by himself, and with only the inward reservation that I have spoken of.

In the first place, if Mr. Hastings should die without having made a discovery of all his bribes, or if any other servant of the Company should imitate his example, without his heroic good intentions, in doing such villanous acts; how is the Company to recover the bribe money? The receivers need not divulge it till they think fit, and the moment an informer comes, that informer is ruined. He comes, for instance, to the Governor-General and council, and charges, say not Mr. Hastings, but the head of the board of revenue, with receiving a bribe. Receive a bribe! So I did; but it was with an intention of applying it to the Company's service. There I nick the informer: I am beforehand with him: the bribe is sanctified by my inward jesuitical intention. I will make a merit of it with the Company. I have received £40,000 as a bribe; there it is for you; I am acquitted; I am a meritorious servant; let the informer go and seek his remedy as he can. Now if an informer is once instructed that a person who receives bribes can turn them into merit, and take away his action from him, do you think that you ever will or can discover any one bribe? But what is still worse, by this method disclose but one bribe and you secure all the rest that you possibly can receive upon any occasion. For instance, strong report prevails that a bribe of £40,000 has been given, and the receiver expects that information will be laid against him. He acknowledges that he has received a bribe of £40,000, but says that it was for the service of the Company, and that it is carried to their account. And thus

by stating, that he has taken some money which he has accounted for, but concealing from whom that money came, which is exactly Mr. Hastings's case, if at last an information should be laid before the Company of a specific bribe having been received of £40,000, it is said by the receiver, Lord! this is the £40,000 I told you of: it is broken into fragments, paid by instalments; and you have taken it and put it into your own coffers.

Again, suppose him to take it through the hand of an agent such as Gunga Govin Sing; and that this agent, who, as we have lately discovered, out of a bribe of £40,000, which Mr. Hastings was to have received, kept back half of it, falls into their debt like him; I desire to know what the Company can do in such a case? Gunga Govin Sing has entered into no covenants with the Company. There is no trace of his having this money, except what Mr. Hastings chooses to tell. If he is called upon to refund it to the Company, he may say he never received it; that he was never ordered to extort this money from the people; or if he was under any covenant not to take money, he may set up this defence, I am forbidden to receive money; and I will not make a declaration which will subject me to penalties: or he may say in India before the supreme court, I have paid the bribe all to Mr. Hastings: and then there must be a bill and suit there, a bill and suit here, and by that means, having one party on one side of the water and the other party on the other, the Company may never come to a discovery of it. And that in fact this is the way in which one of his great bribe agents has acted, I shall prove to your lordships by evidence.

Mr. Hastings had squeezed out of a miserable country a bribe of £40,000, of which he was enabled to bring to the account of the Company only £20,000, and of which we should not even have known the existence, if the inquiries, pursued with great diligence by the House of Commons, had not extorted the discovery; and even now that we know the fact, we can never get at the money; the Company can never receive it; and before the House had squeezed out of him that some such money had been received, he never once told the court of directors that his black bribe agent, whom he recommended to their service, had cheated both them and him of £20,000 out of the fund of the bribe revenue. If it

be asked, where is the record of this? Record there is none. In what office is it entered? It is entered in no office; it is mentioned as privately received for the Company's benefit; and you shall now further see what a charming office of receipt and account this new exchequer of Mr. Hastings's is.

For there is another and a more serious circumstance attending this business. Every one knows, that by the law of this, and, I believe, of every country, any money which is taken illegally from any person, as every bribe or sum of money extorted or paid without consideration is, belongs to the person who paid it, and he may bring his action for it, and recover it. Then, see how the Company stands: the Company receives a bribe of £40,000 by Mr. Hastings; it is carried to its account; it turns bribery into a revenue; it sanctifies it. In the mean time, the man from whom this money is illegally taken sues Mr. Hastings. Must not he recover of Mr. Hastings? Then, if so, must not Mr. Hastings recover it again from the Company? The Company undoubtedly is answerable for it. And here is a revenue, which every man who has paid it may drag out of the treasury again. Mr. Hastings's donations of his bribes to the treasury are liable to be torn from it at pleasure by every man who gives the money. First, it may be torn from him who receives it, and then he may recover it from the treasury, to which he has given it.

But admitting that the taking of bribes can be sanctified by their becoming the property of the Company, it may still be asked, for what end and purpose has the Company covenanted with Mr. Hastings that money taken extorsively shall belong to the Company? Is it, that satisfaction and reparation may be awarded against the said Warren Hastings, to the said Company, for their own benefit? No, it is for the benefit of the injured persons; and it is to be carried to the Company's account, "but in trust, nevertheless, and to the intent that the said Company may and do render and pay over the monies received or recovered by them to the parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do." Now here is a revenue to be received by Mr. Hastings for the Company's use, applied, at his discretion, to that use, and which the Company has previously covenanted to restore to the per-

sons that are injured and damaged. This is revenue which is to be torn away by the action of any person; a revenue which they must return back to the person complaining, as they in justice ought to do: for no nation ever avowed making a revenue out of bribery and peculation. They are then, to restore it back again. But how can they restore it? Mr. Hastings has applied it: he has given it in presents to princes, laid it out in budgerows, in pen, ink, and wax; in salaries to secretaries: he has laid it out just in any way he pleased; and the India Company, who have covenanted to restore all this money to the persons from whom it came, are deprived of all means of performing so just a duty. Therefore I dismiss the idea that any man so acting could have had a good intention in his mind: the supposition is too weak, senseless, and absurd. It was only in a desperate cause that he made a desperate attempt; for we shall prove that he never made a disclosure without thinking that a discovery had been previously made, or was likely to be made, together with an exposure of all the circumstances of his wicked and abominable concealment.

You will see the history of this new scheme of bribery by which Mr. Hastings contrived, by avowing some bribes to cover others, attempted to outface his delinquency, and, if possible, to reconcile a weak breach of the laws with a sort of spirited observance of them, and to become infamous for the good of his country.

The first appearance of this practice of bribery was in a letter of the 29th of November, 1780. The cause which led to the discovery was a dispute between him and Mr. Francis at the board, in consequence of a very handsome offer made by Mr. Hastings to the board relative to a measure proposed by him, to which he found one objection to be the money that it would cost. He made the most generous and handsome offer, as it stands upon record, that perhaps any man ever made, namely, that he would defray the expense out of his own private cash, and that he had deposited with the treasurer two lacks of rupees. This was in June, 1780, and Mr. Francis soon after returned to Europe. I need not inform your lordships, that Mr. Hastings had, before this time, been charged with bribery and peculation by General Clavering, Colonel Monson, and Mr. Francis. He suspected

that Mr. Francis, then going to Europe, would confirm this charge by the suspicious nature and circumstances of this generous offer; and this suspicion was increased by the connexion which he supposed, and which we can prove he thought, Mr. Francis had with Cheit Sing. Apprehending, therefore, that he might discover and bring the bribe to light some way or other, he resolved to anticipate any such discovery by declaring, upon the 29th of November, that this money was not his own. I will mention to your lordships hereafter the circumstances of this money. He says, "My present reason for adverting to my conduct," that is, his offer of two lacks of rupees out of his own private cash for the Company's service, upon the 26th of June, 1780, "on the occasion I have mentioned, is to obviate the false conclusions or proposed misrepresentations which may be made of it, either as an artifice of ostentation, or as the effect of corrupt influence, by assuring you, that the money, by whatever means it came into your possession, was not my own; that I had myself no right to it, nor would or could have received it, but for the occasion, which prompted me to avail myself of the accidental means which were at that instant afforded me, of accepting and converting it to the property and use of the Company: and with this brief apology I shall dismiss the subject."

My lords, you see what an account Mr. Hastings has given of some obscure transaction, by which he contradicts the record; for, on the 26th of June, he generously, nobly, full of enthusiasm for their service, offers to the Company money of his own. On the 29th of November he tells the court of directors, that the money he offered on the former day was not his own; that his assertion was totally false, that the money was not his; that he had no right to receive it; and that he would not have received it, but for the occasion, which prompted him to avail himself of the accidental means which at that instant offered.

Such is the account sent by their Governor in India, acting as an accountant to the Company—a Company with whom everything is matter of account. He tells them, indeed, that the sum he had offered was not his own; that he had no right to it; and that he would not have taken it, if he had not been greatly tempted by the occasion; but he

never tells them by what means he came at it, the person from whom he received it, the occasion upon which he received it (whether justifiable or not), or any one circumstance under heaven relative to it. This is a very extraordinary account to give to the public of a sum, which we find to be somewhere above £20,000, taken by Mr. Hastings in some way or other. He set the Company blindly groping in the dark by the very pretended light, the ignis fatuus, which he held out to them: for at that time all was in the dark and in a cloud; and this is what Mr. Hastings calls *information* communicated to the Company on the subject of these bribes.

You have heard of obscurity illustrated by a further obscurity: *obscurum per obscurius*. He continues to tell them, "Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you." He then tells them that he had contrived to give a sum of money to the Rajah of Berar, and the account he gives of that proceeding is this: "We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindnesses which we had, within the course of the two last years, experienced from the government of Berar. I had an assurance, that such a proposal would receive the acquiescence of the board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar from evidences of stronger proof to me than I could make them appear to the other members of the board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacks of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta. He has transmitted it to Cultae. Two-thirds of this sum I have raised by my own credit, and

shall charge it in my official accounts. The other third I have supplied from the cash in my hands belonging to the honourable Company."

Your lordships see in this business another mode which he has of accounting with the Company, and informing them of his bribe. He begins his account of this transaction by saying, that it has something of affinity to the last anecdote, meaning the account of the first bribe. An anecdote is made a head of an account, and this, I believe, is what none of your lordships ever have heard of before, and I believe it is yet to be learned in this commercial nation, a nation of accurate commercial account. The account he gives of the first is an anecdote; and what is his account of the second? A relation of an anecdote: not a near relation, but something of affinity; a remote relation, cousin three or four times removed, of the half blood, or something of that kind, to this anecdote; and he never tells them any circumstance of it whatever of any kind, but that it has some affinity to the former anecdote. But, my lords, the thing which comes to some degree of clearness is this, that he did give money to the Rajah of Berar, and your lordships will be so good as to advert carefully to the proportions in which he gave it. He did give him two lacks of rupees of money raised by his own credit, his own money; and the third he advanced out of the Company's money in his hands. He might have taken the Company's money undoubtedly, fairly, openly, and held it in his hands for a hundred purposes, and therefore he does not tell them that even that third was money he had obtained by bribery and corruption. No; he says it is money of the Company's which he had in his hand; so that you must get through a long train of construction before you ascertain that this sum was what it turns out to be, a bribe which he retained for the Company. Your lordships will please to observe, as I proceed, the nature of this pretended generosity in Mr. Hastings. He is always generous in the same way. As he offered the whole of his first bribe as his own money, and afterwards acknowledged that no part of it was his own; so he is now generous again in this latter transaction, in which, however, he shows that he is neither generous nor just. He took the first money without right;

and he did not apply it to the very service for which it was pretended to be taken. He then tells you of another anecdote, which he says has an affinity to that anecdote, and here he is generous again. In the first he appears to be generous and just, because he appears to give his own money, which he had a right to dispose of; then he tells you he is neither generous nor just; for he had taken money he had no right to, and did not apply it to the service for which he pretended to have received it. And now he is generous again, because he gives two lacks of his own money, and just, because he gives one lack which belonged to the Company; but there is not an idea suggested from whom he took it.

But to proceed, my lords; in this letter he tells you he had given two-thirds his own money and one-third the Company's money. So it stood upon the 29th of November, 1780. On the 5th of January following we see the business take a totally different turn; and then Mr. Hastings calls for three Company's bonds, upon two different securities, antedated to the first and second of October, for the three lacks, which he before told them was two-thirds his own money and one-third the Company's. He now declares the whole of it to be his own; and he thus applies by letter to the board, of which he himself was a majority. "Honourable Sir and Sirs, Having had occasion to disburse the sum of three lacks of sicca rupees on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner.

"A bond to be granted me upon the terms of the second loan, bearing date from 1 October, for one lack of sicca rupees.

"A bond to be granted me upon the terms of the first loan, bearing date from 1 October, for one lack of sicca rupees.

"A bond to be granted me upon the terms of the first loan, bearing date from the 2nd October, for one lack of sicca rupees." Here are two accounts, one of which must be directly and flatly false; for he could not have given two-thirds his own, and have supplied the other third from money of the Company's, and at the same time have advanced the whole as his own. He here goes the full length of the fraud; he declares that it is all his own, so much his own that he

does not trust the Company with it, and actually takes their bonds as a security for it, bearing an interest to be paid to him when he thinks proper.

Thus it remained from the 5th of January, 1781, till the 16th of December, 1782, when this business takes another turn; and in a letter of his to the Company these bonds become all their own. All the money advanced is now, all of it, the Company's money. First he says, two-thirds were his own: next, that the whole is his own: and the third account is that the whole is the Company's, and he will account to them for it.

Now he has accompanied this account with another very curious one. For when you come to look into the particulars of it, you will find there are three bonds declared to be the Company's bonds, and which refer to the former transactions, namely, the money for which he had taken the bonds: but when you come to look at the numbers of them, you will find that one of the three bonds which he had taken as his own disappears; and another bond of another date and for a much larger sum is substituted in its place, of which he had never mentioned anything whatever.—So that taking his first account, that two-thirds is his own money; then that it is all his own; in the third that it is all the Company's money; by a fourth account, given in a paper describing the three bonds, you will find that there is one lack which he does not account for, but substitutes in its place a bond before taken as his own. He sinks and suppresses one bond, he gives two bonds to the Company, and to supply the want of the third, which he suppresses, he brings forward a bond for another sum, of another date, which he had never mentioned before. Here then you have four different accounts: if any one of them is true, every one of the other three is totally false. Such a system of cogging, such a system of fraud, such a system of prevarication, such a system of falsehood, never was, I believe, before exhibited in the world.

In the first place, why did he take bonds at all from the Company for the money that was their own? I must be cautious how I charge a legal crime. I will not charge it to be forgery to take a bond from the Company for money which was their own. He was employed to make out bonds for the Company, to raise money on their credit. He pretends he

lent them a sum of money which was not his to lend; but he gives their own money to them as his own, and takes a security for it. I will not say that it is a forgery, but I am sure it is an offence as grievous, because it is as much a cheat as a forgery, with this addition to it, that the person so cheating is in a trust; he violates that trust, and, in so doing, he defrauds and falsifies the whole system of the Company's accounts.

I have only to show what his own explanation of all these actions was; because it supersedes all observation of mine. Hear what prevaricating guilt says for the falsehood and delusion which had been used to cover it, and see how he plunges deeper and deeper upon every occasion. This explanation arose out of another memorable bribe, which I must now beg leave to state to your lordships.

About the time of the receipt of the former bribes, good fortune, as good things seldom come singly, is kind to him; and when he went up, and had nearly ruined the Company's affairs in Oude and Benares, he received a present of £100,000 sterling, or thereabouts. He received bills for it in September, 1781: and he gives the Company an account of it in January, 1782. Remark in what manner the account of this money was given, and the purposes for which he intends to apply it. He says, in this letter, "I received the offer of a considerable sum of money, both on the Nabob's part and that of his ministers, as a present to myself, not to the Company: I accepted it without hesitation, and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities." My lords, upon this you shall hear a comment, made by some abler persons than me. This donation was not made in species, but in bills upon the house of Goupaul Doss, who was then a prisoner in the hands of Cheit Sing. After mentioning that he took this present for the Company, and for their exigencies, and partly for his own necessities, and in consequence of the distress of both, he desires the Company, in the moment of this their greatest distress, to award it to him, and therefore he ends, "If you should adjudge the deposit to me, I shall consider it as the most honourable approbation and reward of my labours; and I wish to owe my fortune to your bounty. I am now in the fiftieth year of my life: I have passed thirty-

one years in the service of the Company, and the greatest part of that time in employments of the highest trust.—My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine, if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has at least enabled me to lay up a provision, with which I can be contented in a more humble station."

And here your lordships will be pleased incidentally to remark the circumstance of his condition of life and his fortune, to which he appeals, and upon account of which he desires this money. Your lordships will remember that, in 1773, he said (and this I stated to you from himself) that, if he held his then office for a very few years, he should be enabled to lay by an ample provision for his retreat. About nine years after that time, namely, in the month of January, 1782, he finds himself rather pinched with want, but, however, not in so bad a way but that the holding of his office had enabled him to lay up a provision with which he could be contented in a more humble station. He wishes to have affluence; he wishes to have dignity; he wishes to have consequence and rank, but he allows that he has competence. Your lordships will see afterwards how miserably his hopes were disappointed; for the court of directors, receiving this letter from Mr. Hastings, did declare that they could not give it to him, because the act had ordered "that no fees of office, perquisites, emoluments, or advantages whatsoever, should be accepted, received, or taken by such Governor-General and council, or any of them, in any manner, or on any account or pretence whatsoever:" and as the same act further directs, "that no Governor-General or any of the council shall directly take, accept, or receive, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward," we cannot, were we so inclined, decree the amount of this present to the

Governor-General. And it is further enacted, "that any such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received to and for the sole use of the Company." And therefore they resolved, most unjustly and most wickedly, to keep it to themselves. The act made it in the first instance the property of the Company, and they would not give it him. And one should think this, with his own former construction of the act, would have made him cautious of taking bribes. You have seen what weight it had with him to stop the course of bribes, which he was in such a career of taking in every place and with both hands.

Your lordships have now before you this £100,000, disclosed in a letter from Patna, dated the 20th January, 1782. You find mystery and concealment in every one of Mr. Hastings's discoveries; for, which is a curious part of it, this letter was not sent to the court of directors, in their packet, regularly, but transmitted by Major Fairfax, one of his agents, to Major Scott, another of his agents, to be delivered to the Company. Why was this done? Your lordships will judge, from that circuitous mode of transmission, whether he did not thereby intend to leave some discretion in his agent to divulge it or not. We are told he did not; but your lordships will believe that or not, according to the nature of the fact. If he had been anxious to make this discovery to the directors, the regular way would have been to send his letter to the directors immediately, in the packet; but he sent it in a box to an agent; and that agent, upon due discretion, conveyed it to the court of directors. Here, however, he tells you nothing about the persons from whom he received this money, any more than he had done respecting the two former sums.

On the second of May following the date of this Patna letter, he came down to Calcutta with a mind, as he himself describes it, greatly agitated. All his hope of plundering Benares had totally failed. The produce of the robbing of the Begums, in the manner your lordships have heard, was all dissipated to pay the arrears of the armies; there was no fund left. He felt himself agitated and full of dread, knowing that he had been threatened with having his place taken from him several times; and that he might be called

home to render an account. He had heard that inquiries had begun in a menacing form in parliament; and though at that time Bengal was not struck at, there was a charge of bribery and peculation brought against the Governor of Madras. With this dread, with a mind full of anxiety and perturbation, he writes a letter, as he pretends, on the 22nd of May, 1782. Your lordships will remark, that when he came down to Calcutta from his expedition up the country, he did not, till the 22nd of May, give any account whatever of these transactions; and that this letter, or pretended letter, of the 22nd of May, was not sent till the 16th of December following. We shall clearly prove that he had abundant means of sending it, and by various ways, before the 16th of December, 1782, when he enclosed in another letter that of the 22nd of May. This is the letter of discovery; this is the letter by which his breast was to be laid open to his employers, and all the obscurity of his transactions to be elucidated. Here are indeed new discoveries, but they are like many new discovered lands, exceedingly inhospitable, very thinly inhabited, and producing nothing to gratify the curiosity of the human mind.

This letter is addressed to the honourable the court of directors, dated Fort William, 22nd May, 1782. He tells them he had promised to account for the ten lacks of rupees which he had received, and this promise, he says, he now performs, and that he takes that opportunity of accounting with them likewise for several other sums which he had received. His words are: "This promise I now perform, and deeming it consistent with the spirit of it, I have added such other sums as have been occasionally converted to the Company's property through my means, in consequence of the like original destination. Of the second of these sums you have already been advised, in a letter which I had the honour to address the honourable court of directors, dated 29th November, 1780. Both this and the third article were paid immediately to the treasury, by my order to the subtreasurer to receive them on the Company's account, but never passed through my hands. The three sums for which bonds were granted were in like manner paid to the Company's treasury, without passing through my hands, but their *application* was not specified. The sum of 50,000 current rupees

was received while I was on my journey to Benares, and applied as expressed in the account.

"As to the manner in which these sums have been expended, the reference which I have made of it in the accompanying account, to the several accounts in which they are credited, renders any other specification of it unnecessary; *besides*, that those accounts either have or will have received a much stronger authentication than any that I could give to mine."

I wish your lordships to attend to the next paragraph, which is meant by him to explain why he took bribes at all; why he took bonds for some of them, as monies of his own, and not monies of the Company; why he entered some upon the Company's accounts, and why of the others he renders no account at all. Light, however, will beam upon you as we proceed. "Why these sums were taken by me; why they were, except the second, quietly transferred to the Company's use; why bonds were taken for the first, and not for the rest, might, were this matter exposed to the view of the public, furnish a variety of conjectures, to which it would be of little use to reply. Were your honourable court to question me on these points, I would answer, that the sums were taken for the Company's benefit, at times when the Company very much needed them: that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify; and that I did not think it worth my care to observe the same means with the rest. I trust, honourable sirs, to your breasts for a candid interpretation of my actions; and assume the freedom to add, that I think myself, on such a subject, on such *an occasion*, entitled to it." Lofty, my lords! You see, that after the directors had expected an explanation for so long a time, he says, Why these sums were taken by me, and, except the second, quietly transferred to the Company's use, I cannot tell; why bonds were taken for the first, and not for the rest, I cannot tell; if this matter were exposed to view, it would furnish a variety of conjectures. Here is an account, which is to explain the most obscure, the most mysterious, the most evidently fraudulent transactions. When asked how he came to take these bonds,

how he came to use these frauds, he tells you he really does not know; that he might have this motive for it, that he might have another motive for it, that he wished to conceal it from public curiosity; but, which is the most extraordinary, he is not quite sure that he had any motive for it at all which his memory can trace. The whole of this is a period of a year and a half; and here is a man who keeps his account upon principles of whim and vagary. One would imagine he was guessing at some motive of a stranger. Why he came to take bonds for money not due to him, and why he enters some, and not others, he knows nothing of these things: he begs them not to ask about it, because it will be of no use. You, foolish court of directors, may conjecture and conjecture on. You are asking me why I took bonds to myself for money of yours, why I have cheated you, why I have falsified my account in such a manner. I will not tell you.

'In the satisfaction which he had promised to give them, he neither mentions the persons, the times, the occasions, or motives for any of his actions. He adds, "I did not think it worth my care to observe the same means with the rest." For some purposes, he thought it necessary to use the most complicated and artful concealments; for some, he could not tell what his motives were, and for others, that it was mere carelessness. Here is the exchequer of bribery! Have I falsified any part of my original stating of it? an exchequer in which the man who ought to pay receives; the man who ought to give security takes it; the man who ought to keep an account says he has forgotten; an exchequer in which oblivion was the remembrancer: and to sum up the whole, an exchequer into the accounts of which it was useless to inquire. This is the manner in which the account of near £200,000 is given to the court of directors. You can learn nothing in this business that is any way distinct, except a premeditated design of a concealment of his transactions. That is avowed.

But there is a more serious thing behind. Who were the instruments of his concealment? No other, my lords, than the Company's public accountant. That very accountant takes the money, knowing it to be the Company's, and that it was only pretended to be advanced by Mr. Hastings

for the Company's use. He sees Mr. Hastings make
bonds to himself for it, and Mr. Hastings makes him
him as creditor, when in fact he was debtor. Thus he
bauches the Company's accountant, and makes him his
federate. These fraudulent and corrupt acts, covered
false representations, are proved to be false, not by collati
with anything else, but false by a collation with themselv
This then is the account and his explanation of it; and
this insolent, saucy, careless, negligent manner a public
countant like Mr. Hastings, a man bred up a book-kee
in the Company's service, who ought to be exact, physica
exact, in his account, has not only been vicious in his
account, but made the public accounts vicious and of
value. But there is in this account another curious circu
stance with regard to the deposit of this sum of money,
which he referred in his first paragraph of his letter of
29th of November, 1780. He states that this deposit
made and passed into the hands of Mr. Larkins on the fi
of June. It did so; but it is not entered in the Compan
accounts till November following. Now in all that int
mediate space where was it? What account was there
it? It was entirely a secret between Mr. Larkins and
Hastings, without a possibility of any one discovering a
particular relative to it. Here is an account of two hund
thousand pounds received, juggled between the account
and him, without a trace of it appearing in the Compan
books. Some of those committees to whom, for their d
gence at least, I must say the public have some obligati
and in return for which they ought to meet with some
dulgence, examining into all these circumstances, and havi
heard that Mr. Hastings had deposited a sum of money
the hands of the Company's sub-treasurer in the month
June, sent for the Company's books. They looked o
those books, but they did not find the least trace of a
such sum of money, and not any account of it; nor co
there be, because it was not paid to the Company's accou
till the November following. The accountant had recei
the money, but never entered it from June till Novemb
Then at last have we an account of it. But was it e
then entered regularly upon the Company's accounts? I
such thing; it is a deposit carried to the Governor-Genera

credit. [*The entry of the several species in which this deposit was made was here read from the Company's general journal of* 1780 *and* 1781.]

My lords, when this account appears at last, when this money does emerge in the public accounts, whose is it? Is it the Company's? No, Mr. Hastings's. And thus, if, notwithstanding this obscure account in November, the directors had claimed and called for this affinity to an anecdote; if they had called for this anecdote and examined the account; if they had said, We observe here entered two lacks and upwards; come, Mr. Hastings, let us see where this money is: they would find that it is Mr. Hastings's money, not the Company's; they would find that it is carried to his credit. In this manner he hands over this sum, telling them, on the 22nd of May, 1782, that not only the bonds were a fraud, but the deposit was a fraud; and that neither bonds nor deposit did in reality belong to him. Why did he enter it at all? then, afterwards, why did he not enter it as the Company's? Why make a false entry, to enter it as his own? and how came he, two years after, when he does tell you that it was the Company's, and not his own, to alter the public accounts? But why did he not tell them at that time, when he pretends to be opening his breast to the directors, from whom he received it, or say anything to give light to the Company respecting it? who, supposing they had the power of dispensing with an act of parliament, or licensing bribery at their pleasure, might have been thereby enabled to say—here you ought to have received it—there it might be oppressive and of dreadful example.

I have only to state, that in this letter, which was pretended to be written on the 22nd of May, 1782, your lordships will observe, that he thinks it his absolute duty (and I wish to press this upon your lordships, because it will be necessary in a comparison which I shall have hereafter to make) to lay open all their affairs to them, to give them a full and candid explanation of his conduct, which he afterwards confesses he is not able to do. The paragraph has been just read to you. It amounts to this: I have taken many bribes—have falsified your accounts—have reversed the principle of them in my own favour; I now discover to you all these my frauds, and think myself entitled to your confidence upon this occasion.

Now all the principles of diffidence, all the principles distrust, nay more, all the principles upon which a man n be convicted of premeditated fraud, and deserve the sever punishment, are to be found in this case, in which he s he holds himself to be entitled to their confidence and tru If any of your lordships had a steward, who told you he l lent you your own money, and had taken bonds from you for and if he afterwards told you that that money was neither yo nor his, but extorted from your tenants by some scandal means; I should be glad to know what your lordships wo think of such a steward, who should say, I will take the fr dom to add, that I think myself on such a subject, on su an occasion, entitled to your confidence and trust. You v observe his cavalier mode of expression. Instead of his hibiting the rigour and severity of an accountant and a bo keeper, you would think that he had been a reader of sen mental letters: there is such an air of a novel runni through the whole, that it adds to the ridicule and nausea it: it is an oxymel of squills; there is something to stri you with horror for the villany of it, something to strike y with contempt for the fraud of it; and something to stri you with utter disgust for the vile and bad taste with whi all these base ingredients are assorted.

Your lordships will see, when the account which is st joined to this unaccountable letter comes before you, th though the Company had desired to know the chann through which he got those sums, there is not (except by reference that appears in another place to one of the article one single syllable of explanation given from one end to t other; there is not the least glimpse of light thrown up these transactions. But we have since discovered from wh he got these bribes; and your lordships will be struck wi horror when you hear it.

I have already remarked to you, that though this letter dated upon the 22nd of May, it was not despatched for E rope till December following; and he gets Mr. Larkins, w was his agent and instrument in falsifying the Company accounts, to swear that this letter was written upon the 22 of May, and that he had no opportunity to send it but the Lively in December. On the 16th of that month writes to the directors, and tells them that he is quite shoc

ed to find he had no earlier opportunity of making this discovery, which he thought himself bound to make, though this discovery, respecting some articles of it, had now been delayed nearly two years, and though it since appears that there were many opportunities, and particularly by the Resolution, of sending it. He was much distressed, and found himself in an awkward situation, from an apprehension that the parliamentary inquiry, which he knew was at this time in progress, might have forced from him this notable discovery. He says, "I do not fear the consequences of any parliamentary process." Indeed he needed not to fear any parliamentary inquiry, if it produced no further discovery than that which your lordships have in the letter of the 22nd of May, and in the accounts subjoined to it. He says, that "the delay is of no public consequence; but it has produced a situation which, with respect to myself, I regard as unfortunate, because it exposes me to the meanest imputation, from the occasion which the late parliamentary inquiries have since furnished."

Now here is a very curious letter, that I wish to have read for some other reasons, which will afterwards appear, but principally at present for the purpose of showing you that he held it to be his duty, and thought it to the last degree dishonourable, not to give the Company an account of those secret bribes: he thought it would reflect upon him and ruin his character for ever, if this account did not come voluntarily from him, but was extorted by terror of parliamentary inquiry. In this letter of the 16th December, 1782, he thus writes:—"The delay is of no public consequence; but it has produced a situation which, with respect to myself, I regard as unfortunate; because it exposes me to the meanest imputation, from the occasion which the late parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your honourable committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transactions, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reput-

ation from dishonour. If I had at any time possessed the degree of confidence from my immediate employers which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it. And in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British government in India, that honourable court ought to know whether I possess the integrity and honour which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy and, pardon me if I add, dangerous reflections which they have passed upon me for the first communication of this kind; and your own experience will suggest to you, that there are persons who would profit by such a warning.

"Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.

"If I appear in any unfavourable light by these transactions I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honour or upon oath.

"The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your service (exigencies created by the exposition of your affairs, and faction in your councils) required those supplies.

"I could have concealed them, had I had a wrong motive, from yours and the public eye for ever; and I know that the difficulties to which a spirit of injustice may subject me for my candour and avowal are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in

your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life."

Your lordships will observe, at the end of this letter, that this man declares his first applause to be from his own breast, and that he next wishes to have the applause of his employers. But reversing this, and taking their applause first, let us see on what does he ground his hope of their applause? Was it on his former conduct? No, for he says that that conduct has repeatedly met with their disapprobation. Was it upon the confidence which he knew they had in him? No, for he says they gave "more of their confidence to the meanest of his predecessors." Observe, my lords, the style of insolence he constantly uses with regard to all mankind. Lord Clive was his predecessor: Governor Cartier was his predecessor: Governor Verelst was his predecessor:—every man of them as good as himself; and yet, he says, the directors had given "more of their confidence to the *meanest* of his predecessors." But what was to entitle him to their applause? a clear and full explanation of the bribes he had taken. Bribes was to be the foundation of their confidence in him, and the clear explanation of them was to entitle him to their applause! Strange grounds to build confidence upon —the rotten ground of corruption, accompanied with the infamy of its avowal! Strange ground to expect applause—a discovery which was no discovery at all! Your lordships have heard this discovery, which I have not taken upon me to state, but have read his own letter on the occasion. Has there at this moment any light broken in upon you concerning this matter?

But what does he say to the directors? he says, "Upon the whole of these transactions, which to you, who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration." He looks upon them, and treats them, as a set of low mechanical men; a set of low-born book-keepers, as base souls, who in an account call for explanation and precision. If there is no precision in accounts, there is nothing of worth in them. You see, he himself is an eccentric accountant, a pindaric book-keeper, an

arithmetician in the clouds. I know, he says, what the directors desire: but they are mean people; they are not of elevated sentiments: they are modest; they avoid ostentation in taking of bribes: I therefore am playing cups and balls with them, letting them see a little glimpse of the bribes, then carrying them fairly away. Upon this he founds the applause of his own breast.

> ———Populus me sibilat; at mihi plaudo
> Ipse domi, simul ac nummos contemplor in arcâ.—

That private *Ipse plaudo* he may have in this business, which is a business of money; but the applause of no other human creature will he have for giving such an account as he admits this to be—irregular, uncertain, problematical, and of which no one can make either head or tail. He despises us also, who are representatives of the people, and have amongst us all the regular officers of finance, for expecting anything like a regular account from him. He is hurt at it; he considers it as a cruel treatment of him; he says, Have I deserved this treatment? Observe, my lords, he had met with no treatment, if treatment it may be called, from us of the kind of which he complains. The court of directors had, however, in a way shameful, abject, low, and pusillanimous, begged of him, as if they were his dependants, and not his masters, to give them some light into the account; they desire a receiver of money to tell from whom he received it, and how he applied it. He answers, They may be hanged for a parcel of mean contemptible book-keepers, and that he will give them no account at all: he says—"If you sue me" —there is the point; he always takes security in a court of law. He considers his being called upon by these people, to whom he ought, as a faithful servant, to give an account, and to which he was bound by an act of parliament specially entrusting him with the administration of the revenues, as a gross affront. He adds, that he is ready to resign his defence, and to answer upon honour or upon oath. Answering upon honour is a strange way they have got in India, as your lordships may see in the course of this inquiry. But he forgets that, being the Company's servant, the Company may bring a bill in chancery against him, and force him, upon oath, to give an account. He has not, however, given them light

enough, or afforded them sufficient ground for a fishing bill in chancery. Yet he says, If you call upon me in a chancery way, or by common law, I really will abdicate all forms, and give you some account. In consequence of this the Company did demand from him an account, regularly and as fully and formally as if they had demanded it in a court of justice. He positively refused to give them any account whatever; and they have never, to this very day in which we speak, had any account that is at all clear or satisfactory. Your lordships will see, as I go through this scene of fraud, falsification, iniquity, and prevarication, that, in defiance of his promise, which promise they quote upon him over and over again, he has never given them any account of this matter.

He goes on to say (and the threat is indeed alarming), that by calling him to account they may provoke him—to what? "To appropriate," he says, "to my own use the sums which I have already passed to your credit, by the unworthy and, pardon me if I add, dangerous reflections which you have passed upon me for the first communication of this kind." They passed no reflections: they said they would neither praise nor blame him, but pressed him for an account of a matter which they could not understand; and I believe your lordships understand it no more than they, for it is not in the compass of human understanding to conceive or comprehend it. Instead of an account of it, he dares to threaten them,—I may be tempted, if you should provoke me, not to be an honest man—to falsify your account a second time, and to reclaim those sums which I have passed to your credit: to alter the account again by the assistance of Mr. Larkins. What a dreadful declaration is this of his dominion over the public accounts, and of his power of altering them; a declaration that, having first falsified those accounts in order to deceive them, and afterwards having told them of this falsification in order to gain credit with them, if they provoke him, he shall take back the money he had carried to their account, and make them his debtors for it. He fairly avows the dominion he has over the Company's accounts; and therefore, when he shall hereafter plead the accounts, we shall be able to rebut that evidence, and say, The Company's accounts are corrupted by you through your agent, Mr. Larkins, and we give no credit

to them, because you not only told the Company you could do so, but we can prove that you have actually done it. What a strange medley of evasion, pretended discovery, real concealment, fraud, and prevarication appears in every part of this letter!

But admitting this letter to have been written upon the 22nd of May, and kept back to the 16th of December, you would imagine that during all that interval of time he would have prepared himself to give some light, some illustration of these dark and mysterious transactions, which carried fraud upon the very face of them. Did he do so? Not at all. Upon the 16th of December, instead of giving them some such clear accounts as might have been expected, he falls into a violent passion for their expecting them: he tells them it would be dangerous; and he tells them they knew who had profited by these transactions; thus, in order to strike terror into their breasts, hinting at some frauds which they had practised or protected. What weight this may have had with them I know not; but your lordships will expect in vain that Mr. Hastings, after giving four accounts, if any one of which is true the other three must necessarily be false—after having thrown the Company's accounts into confusion, and being unable to tell, as he says himself, why he did so—will at last give some satisfaction to the directors, who continued in a humble, meek way giving him hints that he ought to do it. You have heard nothing yet but the consequences of their refusing to give him the present of £100,000, which he had taken from the Nabob: they did right to refuse it to him; they did wrong to take it to themselves.

We now find Mr. Hastings on the river Ganges in September, 1784,—that Ganges whose purifying water expiates so many sins of the Gentoos, and which, one would think, would have washed Mr. Hastings's hands a little clean of bribery, and would have rolled down its golden sands like another Pactolus. Here we find him discovering another of his bribes. This was a bribe taken upon totally a different principle, according to his own avowal: it is a bribe not pretended to be received for the use of the Company; a bribe taken absolutely, entirely for himself. He tells them that he had taken between £30,000 and £40,000. This bribe,

which, like the former, he had taken without right, he tells them that he intends to apply to his own purposes, and he insists upon their sanction for so doing. He says he had in vain, upon a former occasion, appealed to their honour, liberality, and generosity; that he now appeals to their justice, and insists upon their decreeing this bribe which he had taken, without telling them from whom, where, or on what account, to his own use.

Your lordships remember, that in the letter which he wrote from Patna on the 20th of January, 1782, he there states, that he was in tolerable good circumstances, and that this had arisen from his having continued long in their service; now he had continued two years longer in their service, and he is reduced to beggary! "This," he says, "is a single example of a life spent in the accumulation of crores for your benefit, and doomed, in its close, to suffer the extremity of private want, and to sink in obscurity."

So far back as in 1773 he thought that he could save an exceeding good fortune out of his place. In 1782 he says, with gratitude, that he has made a decent private competency, but in two years after he sunk to the extremity of private want. And how does he seek to relieve that want? by taking a bribe. Bribes are no longer taken by him for the Company's service, but for his own. He takes the bribe with an express intention of keeping it for his own use, and he calls upon the Company for their sanction. If the money was taken without right, no claim of his could justify its being appropriated to himself; nor could the Company so appropriate it, for no man has a right to be generous out of another's goods. When he calls upon their justice and generosity, they might answer, If you have a just demand upon our treasury, state it, and we will pay it; if it is a demand upon our generosity, state your merits, and we will consider them. But I have paid myself by a bribe; I have taken another man's money; and I call upon your justice—to do what? To restore it to its owner? no; to allow me to keep it myself. Think, my lords, in what a situation the Company stands. I have done a great deal for you: this is the jackall's portion; you have been the lion; I have been endeavouring to prog for you; I am your bribe-pander, your factor of corruption, exposing myself to every kind of scorn

and ignominy, to insults, even from you. I have been preying and plundering for you, I have gone through every stage of licentiousness and lewdness, wading through every species of dirt and corruption, for your advantage. I am now sinking into the extremity of private want; do give me this—what? money? no, this bribe; rob me the man who gave me this bribe; vote me—what? money of your own? that would be generous: money you owe me? that would be just: no; money which I have extorted from another man, and I call upon your justice to give it me. This is his idea of justice. He says, "I am compelled to depart from that liberal plan which I originally adopted, and to claim from your justice (for you have forbid me to appeal to your generosity) the discharge of a debt which I can with the most scupulous integrity aver to be justly due, and which I cannot sustain." Now, if any of the Company's servants may say I have been extravagant—profuse—it was all meant for your good:—let me prey upon the country at my pleasure; license my bribes, frauds, and peculations, and then you do me justice. What country are we in, where these ideas are ideas of generosity and justice?

It might naturally be expected that in this letter he would have given some account of the person from whom he had taken this bribe. But here, as in the other cases, he had a most effectual oblivion; the Ganges, like Lethe, causes a drowsiness, as you saw in Mr. Middleton; they recollect nothing, they know nothing. He has not stated, from that day to this, from whom he took that money; but we have made the discovery. And such is the use of parliamentary inquiries, such, too, both to the present age and posterity, will be their use, that if we pursue them with the vigour which the great trust justly imposed upon us demands, and if your lordships do firmly administer justice upon this man's frauds, you will at once put an end to those frauds and prevarications for ever. Your lordships will see that in this inquiry it is the diligence of the House of Commons, which he has the audacity to call *malice*, that has discovered and brought to light the frauds which we shall be able to prove against him.

I will now read to your lordships an extract from that stuff called a defence, which he has either written himself, or somebody else has written for him, and which he owns

or disclaims, just as he pleases;—when under the slow tortures of a parliamentary impeachment he discovered, at length, from whom he got this last bribe. "The last part of the charge states, that in my letter to the court of directors of the 21st of February, 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than £34,000 sterling, &c. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacks of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up; he did so, but at the time I was going to execute it he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use; and there the matter rested till I undertook my journey to *Lucknow*, when I determined to accept the money for the Company's use; and these were my motives:—Having made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public account, I resolved to reimburse myself in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissen's. If my claim on the Company were not founded in justice, and *bonâ fide* due, my acceptance of three lacks of rupees from Nobkissen by no means precludes them from recovering that sum from me. No member of this honourable House suspects me, I hope, of the meanness and guilt of presenting false accounts." We do not *suspect* him of presenting false accounts: we can prove, we are now radically proving, that he presents false accounts. We suspect no man who does not give ground for suspicion: we accuse no man who has not given ground for accusation; and we do not attempt to bring before a court of justice any charges which we shall not be

able decisively to prove. This will put an end to all idle prattle of malice, of groundless suspicions of guilt, and of ill-founded charges. We come here to bring the matter to the test, and here it shall be brought to the test between the Commons of Great Britain and this East-India delinquent. In his letter of the 21st of February, 1784, he says he has never benefited himself by contingent accounts; and as an excuse for taking his bribe from Nobkissen, which he did not discover at the time, but many years afterwards at the bar of the House of Commons, he declares that he wanted to apply it to the contingent account for his expenses, that is, for what he pretended to have laid out for the Company during a great number of years. He proceeds, "If it should be objected that the allowance of these demands would furnish a precedent for others of the like kind, I have to remark, that in their whole amount they are but the aggregate of a contingent account of twelve years; and if it were to become the practice of those who have passed their prime of life in your service, and filled, as I have filled it, the first office of your dominion, to glean from their past accounts all the articles of expense which their inaccuracy or indifference hath overlooked, your interests would suffer infinitely less by the precedent than by a single example of a life spent in the accumulation of crores for your benefit, and doomed in its close to suffer the extremity of private want, and to sink in obscurity." Here is the man that has told us at the bar of the House of Commons that he never made up any contingent accounts; and yet, as a set-off against this bribe which he received for himself, and never intended to apply to the current use of the Company, he feigns and invents a claim upon them, namely, that he had, without any authority of the Company, squandered away in stationary, and budgerows, and other idle services, a sum amounting to £34,000. But was it for the Company's service? Is this language to be listened to? Everything I thought fit to expend I have expended for the Company's service.—I intended, indeed, at that time to have been generous. I intended, out of my own pocket, to have paid for a translation of the code of Gentoo laws: I was then in the prime of my life, flowing in money, and had great expectations: I am now old; I cannot afford to be generous: I will look back into all my former

accounts, pen, ink, wax, everything that I generously or prodigally spent, as my own humour might suggest: and though at the same time I know you have given me a noble allowance, I now make a charge upon you for this sum of money, and intend to take a bribe in discharge of it. Now, suppose Lord Cornwallis, who sits in the seat, and I hope will long, and honourably, and worthily, fill the seat which that gentleman possessed,—suppose Lord Cornwallis, after never having complained of the insufficiency of his salary, and after having but two years ago said he had saved a sufficient competency out of it, should now tell you that £30,000 a year was not enough for him, and that he was sinking into want and distress, and should justify upon that alleged want taking a bribe, and then make out a bill of contingent expenses to cover it; would your lordships bear this?

Mr. Hastings has told you that he wanted to borrow money for his own use, and that he applied to Rajah Nobkissen, who generously pressed it upon him as a gift. Rajah Nobkissen is a banyan: you will be astonished to hear of generosity in a banyan: there never was a banyan and generosity united together; but Nobkissen loses his banyan qualities at once the moment the light of Mr. Hastings's face beams upon him. Here, says Mr. Hastings, I have prepared bonds for you! Astonishing! how can you think of the meanness of bonds: you call upon me to lend you £34,000 and propose bonds! No; you shall have it; you are the Governor-General, who have a large and ample salary: but I know you are a generous man, and I emulate your generosity: I give you all this money. Nobkissen was quite shocked at Mr. Hastings's offering him a bond. My lords, a Gentoo banyan is a person a little lower, a little more penurious, a little more exacting, a little more cunning, a little more money-making than a Jew. There is not a Jew in the meanest corner of Duke's-place in London that is so crafty, so much a usurer, so skilful how to turn money to profit, and so resolved not to give any money but for profit, as a Gentoo broker of the class I have mentioned. But this man, however, at once grows generous, and will not suffer a bond to be given to him: and Mr. Hastings, accordingly, is thrown into very great distress. You see sentiment always prevailing in Mr. Hastings. The sentimental dialogue

which must have passed between him and a Gentoo broker would have charmed every one that has a taste for pathos and sentiment. Mr. Hastings was pressed to receive the money as a gift—he really does not know what to do, whether to insist upon giving a bond or not; whether he shall take the money for his own use, or whether he shall take it for the Company's use. But it may be said of man, as it is said of woman; the woman who deliberates is lost. The man that deliberates about receiving bribes is gone; the moment he deliberates, that moment his reason, the fortress, is lost—the walls shake; down it comes, and at the same moment enters Nobkissen into the citadel of his honour and integrity, with colours flying, with drums beating; and Mr. Hastings's garrison goes out, very handsomely indeed, with the honours of war, all for the benefit of the Company. Mr. Hastings consents to take the money from Nobkissen; Nobkissen gives the money, and is perfectly satisfied.

Mr. Hastings took the money with a view to apply it to the Company's service. How? to pay his own contingent bills. Everything that I do, says he, and all the money I squander, is all for the Company's benefit. As to particulars of accounts, never look into them; they are given you upon honour: let me take this bribe, it costs you nothing to be just or generous. I take the bribe: you sanctify it. But in every transaction of Mr. Hastings, where we have got a name, there we have got a crime. Nobkissen gave him the money, and did not take his bond, I believe, for it; but Nobkissen, we find, immediately afterwards enters upon the stewardship or management of one of the most considerable districts in Bengal. We know very well, and shall prove to your lordships, in what manner such men rack such districts, and exact from the inhabitants the money to repay themselves for the bribes which had been taken from them. These bribes are taken under a pretence of the Company's service; but sooner or later they fall upon the Company's treasury. And we shall prove that Nobkissen, within a year from the time when he gave this bribe, had fallen into arrears to the Company, as their steward, to the amount of a sum, the very interest of which, according to the rate of interest in that country, amounted to more than this bribe,

taken, as was pretended, for the Company's service. Such are the consequences of a banyan's generosity, and of Mr. Hastings's gratitude, so far as the interest of the country is concerned; and this is a good way to pay Mr. Hastings's contingent accounts. But this is not all; a most detestable villain is sent up into the country to take the management of it, and the fortunes of all the great families in it are given entirely into his power. This is the way by which the Company are to keep their own servants from falling into "the extremity of private want." And the Company itself, in this pretended saving to their treasury by the taking of bribes, lose more than the amount of the bribes received. Wherever a bribe is given on one hand, there is a balance accruing on the other. No man, who had any share in the management of the Company's revenues, ever gave a bribe, who did not either extort the full amount of it from the country, or else fall in balance to the Company to that amount, and frequently both. In short, Mr. Hastings never was guilty of corruption that blood and rapine did not follow; he never took a bribe, pretended to be for their benefit, but the Company's treasury was proportionably exhausted by it.

And now was this scandalous and ruinous traffic in bribes brought to light by the court of directors? No, we got it in the House of Commons. These bribes appear to have been taken at various times, and upon various occasions; and it was not till his return from Patna, in February, 1782, that the first communication of any of them was made to the court of directors. Upon the receipt of this letter, the court of directors wrote back to him, requiring some further explanation upon the subject. No explanation was given, but a communication of other bribes was made in his letter, said to be written in May of the same year, but not dispatched to Europe till the December following. This produced another requisition from the directors for explanation. And here your lordships are to observe, that this correspondence is never in the way of letters written and answers given; but he and the directors are perpetually playing at hide and seek with each other, and writing to each other at random; Mr. Hastings making a communication one day, the directors requiring an explanation the next; Mr. Hastings giving an

account of another bribe on the third day, without giving any explanation of the former. Still, however, the directors are pursuing their chase. But it was not till they learned that the committees of the House of Commons (for committees of the House of Commons had then some weight) were frowning upon them for this collusion with Mr. Hastings, that at last some honest men in the direction were permitted to have some ascendency; and that a proper letter was prepared, which I shall show your lordships, demanding from Mr. Hastings an exact account of all the bribes that he had received; and painting to him, in colours as strong at least as those I use, his bribery, his frauds and peculations; and, what does them great honour for that moment, they particularly direct that the money which was taken from the Nabob of Oude should be carried to his account.

These paragraphs were prepared by the committee of correspondence, and, as I understand, approved by the court of directors, but never were sent out to India. However, something was sent, but miserably weak and lame of its kind; and Mr. Hastings never answered it, or gave them any explanation whatever. He now, being prepared for his departure from Calcutta, and having finished all his other business, went up to Oude upon a chase, in which just now we cannot follow him. He returned in great disgust to Calcutta, and soon after set sail for England, without ever giving the directors one word of the explanation which he had so often promised, and they had repeatedly asked.

We have now got Mr. Hastings in England, where you will suppose some satisfactory account of all these matters would be obtained from him. One would suppose, that on his arrival in London he would have been a little quickened by a menace, as he expresses it, which had been thrown out against him in the House of Commons, that an inquiry would be made into his conduct; and the directors, apprehensive of the same thing, thought it good gently to insinuate to him by a letter, written by whom and how we do not know, that he ought to give some explanation of these accounts. This produced a letter which I believe in the business of the whole world cannot be paralleled; not even himself could be his parallel in this. Never did inventive folly working upon

conscious guilt, and throwing each other totally in confusion, ever produce such a false, fraudulent, prevaricating letter as this which is now to be given to you.

You have seen him at Patna, at Calcutta, in the country, on the Ganges; now you see him at the waters at Cheltenham: and you will find his letter from that place to comprehend the substance of all his former letters, and to be a digest of all the falsity, fraud, and nonsense contained in the whole of them. Here it is, and your lordships will suffer it to be read.

I must beg your patience: I must acknowledge that it has been the most difficult of all things to explain, but much more difficult to make pleasant and not wearisome, falsity and fraud pursued through all its artifices; and therefore, as it has been the most painful work to us to unravel fraud and prevarication, so there is nothing that more calls for the attention, the patience, the vigilance, and the scrutiny of an exact court of justice. But as you have already had almost the whole of the man, do not think it too much to hear the rest in this letter from Cheltenham. It is dated Cheltenham, 11th of July, 1785, addressed to William Devaynes, Esq.;[1] and it begins thus: "Sir, The honourable court of directors, in their general letter to Bengal, by the Surprise, dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22nd May, 1782, was received; what were my motives for withholding the several receipts from the knowledge of the council, or of the court of directors; and what were my reasons for taking bonds for part of these sums, and for paying other sums into the treasury as deposits on my own account." I wish your lordships to pause a moment. Here is a letter written in July, 1785: you see that from the 29th of December, 1780, till that time, during which interval, though convinced in his own conscience, and though he had declared his own opinion, of the necessity of giving a full explanation of these money transactions, he had been imposing upon the directors false and prevaricating accounts of them, they were never able to obtain a full disclosure from him.

He goes on. "I have been kindly apprized that the in-

[1] See this letter in the Appendix, Vol. V. p. 63

formation required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the presidency when the Surprise arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself of the volumes which compose our consultations of that period."

These consultations, my lords, to which he appeals, form matter of one of the charges that the Commons have brought against Mr. Hastings; namely, a fraudulent attempt to ruin certain persons employed in subordinate situations under him, for the purpose, by intruding himself into their place, of secretly carrying on his own transactions. These volumes of consultation were written to justify that act. He next says, "The submission which my respect would have enjoined me to pay to the command imposed on me was lost to my recollection, perhaps from the stronger impression which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction, than an expression of any want of a further elucidation of it." Permit me to make a few remarks upon this extraordinary passage. A letter is written to him, containing a repetition of the request which had been made a thousand times before, and with which he had as often promised to comply. And here he says, "it was lost to my recollection." Observe his memory; he can forget the command, but he has an obscure recollection that he thought it a reprehension rather than a demand! Now a reprehension is a stronger mode of demand. When I say to a servant, Why have you not given me the account which I have so often asked for? is he to answer, The reason I have not given it is because I thought you were railing at and abusing me? He goes on, "I will now endeavour to reply to the different questions which have been stated to me, in as explicit a manner as I am able; to such information as I can give, the honourable court is fully entitled; and where that shall prove defective, I will point out the only means by which

it may be rendered more complete." In order that your lordships may thoroughly enter into the spirit of this letter, I must request that you will observe how handsomely and kindly these tools of directors have expressed themselves to him; and that even their baseness and subserviency to him were not able to draw from him anything that could be satisfactory to his enemies; for as to these his friends he cares but little about satisfying them, though they call upon him in consequence of his own promise; and this he calls a reprehension. They thus express themselves: "Although it is not our intention to express any doubt of the integrity of the Governor-General,—on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company,—yet we must confess the statement of those transactions appears to us in many points so unintelligible, that we feel ourselves under the necessity of calling on the Governor-General for an explanation, agreeable to his promise voluntarily made to us. We therefore desire to be informed of the different periods when each sum was received, and what were the Governor-General's motives for withholding the several receipts from the knowledge of the council and of the court of directors, and what were his reasons for taking bonds for part of these sums, and paying other sums into the treasury as deposits upon his own account." Such is their demand, and this is what his memory furnishes as nothing but a reprehension. He then proceeds: "First I believe I can affirm with certainty that the several sums mentioned in the account, transmitted with my letter abovementioned, were received at or within a very few days of the dates which are affixed to them in the account. But as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a great degree of accuracy to the account." Your lordships see that, after all, he declares he cannot make his account accurate; he further adds, "Perhaps the honourable court will judge this sufficient," that is, this explanation, namely, that he can give none "for any purpose to which their inquiry was directed; but if it should not be so, I will beg leave to refer for a more minute information, and for the means of making any investigation

which they may think it proper to direct respecting the particulars of this transaction, to Mr. Larkins, your accountant-general, who was privy to every process of it, and possessed, as I believe, the original paper which contained the only account that I ever kept of it."

Here is a man who of his bribe accounts cannot give an account in the country where they are carried on. When you call upon him in Bengal, he cannot give the account because he is in Bengal: when he comes to England, he cannot give the account here, because his accounts are left in Bengal. Again, he keeps no accounts himself, but his accounts are in Bengal, in the hands of somebody else; to him he refers, and we shall see what that reference produced. "In this each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made; and I shall write to him to desire that he will furnish you with the paper itself, if it is still in being, and in his hands, or with whatever he can distinctly recollect concerning it." Here are accounts kept for the Company, and yet he does not know whether they are in existence anywhere. "For my motives for withholding the several receipts from the knowledge of the council or of the court of directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the honourable the court of directors of the 22nd of May, 1782; namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory at that distance of time could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance: neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

You have heard of that oriental *figure* called, in the banyan language, a *painche;* in English, a *screw:* it is a puzzled and studied involution of a period, framed in order to

prevent the discovery of truth and the detection of fraud; and surely it cannot be better exemplified than in this sentence: "Neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them." Observe that he says, "*not facts stated*, but *facts implied in the report*"—and of what was this to be a report? Of things which the directors declared they did not understand; and then the inferences which are to follow these implied facts are to follow them.—But how? *With a strong probability*. If you have a mind to study this oriental figure of rhetoric, the *painche*, here it is for you in its most complete perfection. No rhetorician ever gave an example of any figure of oratory that can match this. But let us endeavour to unravel the whole passage. First, he states, that in May, 1782, he had forgotten his motives for falsifying the Company's accounts; but he affirms the facts contained in the report, and afterwards, very rationally, draws such inferences as necessarily or with a strong probability follow them. And, if I understand it at all, which, God knows, I no more pretend to do than Don Quixote did those sentences of lovers in romance writers, of which he said it made him run mad to attempt to discover the meaning, the inference is, Why do you call upon me for accounts now, three years after the time, when I could not give you them? I cannot give them you; and as to the papers relating to them, I do not know whether they exist: and if they do, perhaps you may learn something from them; perhaps you may not: I will write to Mr. Larkins for those papers, if you please. Now, comparing this with his other accounts, you will see what a monstrous scheme he has laid of fraud and concealment to cover his peculation. He tells them, "I have said that the three first sums of the account were paid into the Company's treasury, without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment, which was formed and employed against Mahdajee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the court of directors in my letter of the 29th December, 1780." He does not yet tell the directors from whom he received it; we have found it out by other

collateral means. "The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants, I eagerly seized them." Allowable means of receiving bribes!—for such I shall prove them to be in the particular instances. "But neither could it occur to me as necessary to state on our proceedings every little aid that I could thus procure, nor do I know how I could have stated it without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have had an equal claim."

Now we see, that after hammering his brains for many years he does find out his motive, which he could not verify at the time; namely, that if he let his colleagues know that he was receiving bribes, and gaining the glory of receiving them, they might take it into their heads likewise to have their share in the same glory, as they were joined in the same commission, enjoyed the same powers, and were subject to the same restrictions. It was indeed scandalous in Mr. Hastings, not behaving like a good fair colleague in office, not to let them know that he was going on in this career of receiving bribes, and to deprive them of their share in the glory of it; but they were grovelling creatures, who thought that keeping clean hands was some virtue. Well, but you have applied some of these bribes to your own benefit; why did you give no account of these bribes? I did not, he says, because it might have excited the envy of my colleagues. To be sure, if he was receiving bribes for his own benefit, and they not receiving such bribes, and if they had a liking to that kind of traffic, it is a good ground of envy, that a matter which ought to be in common among them should be confined to Mr. Hastings, and he therefore did well to conceal it; and, on the other hand, if we suppose him to have taken them, as he pretends, for the Company's use, in order not to excite a jealousy in his

colleagues for being left out of this meritorious service, to which they had an equal claim, he did well to take bonds for what ought to be brought to the Company's accounts. These are reasons applicable to his colleagues, who sat with him at the same board,—Mr. Macpherson, Mr. Stables, Mr. Wheler, General Clavering, Colonel Monson, and Mr. Francis: he was afraid of exciting their envy or their jealousy. You will next see another reason, and an extraordinary one it is, which he gives for concealing these bribes from his inferiors.

But I must first tell your lordships what, till the proof is brought before you, you will take on credit—indeed it is on his credit, that when he formed the committee of revenue he bound them by a solemn oath, "not, under any name or pretence whatever, to take from any zemindar, farmer, person concerned in the revenue, or any other, any gift, gratuity, allowance, or reward whatever, or anything beyond their salary;" and this is the oath to which he alludes. Now his reason for concealing his bribes from his inferiors, this committee, under these false and fraudulent bonds, he states thus: "I should have deemed it particularly dishonourable to receive for my own use money tendered by a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them: I was therefore more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me had I suffered the money to be brought to my own house, or that of any person known to be in trust for me." My lords, here he comes before you, avowing that he knew the practice of taking money from these people was a thing dishonourable in itself. "I should have deemed it particularly dishonourable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them." He held it particularly dishonourable to receive them: he had bound others by an oath not to receive them: but he received them himself, and why does he conceal it? why, because, says he, if the suspicion came upon me, the dishonour would fall upon my pate. Why did he, by an oath, bind his inferiors not to take these bribes? Why, because it was base and

dishonourable so to do; and because it would be mischievous and ruinous to the Company's affairs to suffer them to take bribes. Why then did he take them himself? It was ten times more ruinous that he, who was at the head of the Company's government, and had bound up others so strictly, should practise the same himself; and, therefore, says he, "I was more than ordinarily cautious."—What? To avoid it? No; to carry it on in so clandestine and private a manner as might secure me from the suspicion of that which I know to be detestable, and bound others up from practising.

We shall prove that the kind of men from whom he interdicted his committee to receive bribes were the identical men from whom he received them himself. If it was good for him it was good for them to be permitted these means of extorting; and, if it ought at all to be practised, they ought to be admitted to extort for the good of the Company. Rajah Nobkissen was one of the men from whom he interdicted them to receive bribes, and from whom he received a bribe for his own use. But he says he concealed it from them, because he thought great mischief might happen even from their suspicion of it, and lest they should thereby be inclined themselves to practise it, and to break their oaths.

You take it then for granted that he really concealed it from them. No such thing; his principal confidant in receiving these bribes was Mr. Crofts, who was a principal person in this board of revenue, and whom he had made to swear not to take bribes; he is the confidant, and the very receiver, as we shall prove to your lordships. What will your lordships think of his affirming, and averring a direct falsehood, that he did it to conceal it from these men, when one of them was his principal confidant and agent in the transaction? What will you think of his being more than ordinarily cautious to avoid the suspicion of it? He ought to have avoided the crime, and the suspicion would take care of itself. "For these reasons," he says, "I caused it to be transported immediately to the treasury. There I well knew, sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan or as a deposit. The first was the least liable to re-

flection; and therefore I had obviously recourse to it. Why the second sum was intended as a deposit, I am utterly ignorant. Possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed." My lords, in fact every word of this is either false or groundless: it is completely fallacious in every part. The first sum, he says, was entered as a loan; the second as a deposit. Why was this done? Because, when you enter moneys of this kind, you must enter them under some name, some head of account; and I entered them, he says, under these, because otherwise there was no entering them at all. Is this true? Will he stick to this? I shall desire to know from his learned counsel, some time or other, whether that is a point he will take issue upon. Your lordships will see there were other bribes of his, which he brought under a regular official head, namely, *durbar charges;* and there is no reason why he should not have brought these under the same head. Therefore what he says, that there is no other way of entering them but as loans and deposits, is not true. He next says, that in the second sum there was no reason for concealment, because it was avowed: but that false deposit was as much concealment as the false loan, for he entered that money as his own; whereas, when he had a mind to carry any money to the Company's account, he knew how to do it, for he had been accustomed to enter it under a general name, called durbar charges; a name, which, in its extent at least, was very much his own invention, and which, as he gives no account of those charges, is as large and sufficient to cover any fraudulent expenditure in the account as, one would think, any person could wish. You see him, then, first guessing one thing, then another; first giving this reason, then another: at last, however, he seems to be satisfied that he has hit upon the true reason of his conduct.

Now let us open the next paragraph, and see what it is. "Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the

principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the court of directors. They had answered my purpose of public utility, and I had almost dismissed them from my remembrance." My lords, you will observe in this most astonishing account, which he gives here, that several of these sums he meant to conceal for ever, even from the knowledge of the directors. Look back to his letter of 22nd May, 1782, and his letter of the 16th of December, and in them he tells you that he might have concealed them, but that he was resolved not to conceal them: that he thought it highly dishonourable so to do; that his conscience would have been wounded if he had done it; and that he was afraid it would be thought that this discovery was brought from him in consequence of the parliamentary inquiries. Here he says of a discovery, which he values himself upon making voluntarily, that he is afraid it should be attributed to arise from motives of fear. Now, at last, he tells you, from Cheltenham, at a time when he had just cause to dread the strict account to which he is called this day, first, that he cannot tell whether any one motive which he assigns, either in this letter or in the former, were his real motive or not; that he does not know whether he has not invented them since, in consequence of a train of meditation upon what he might have done or might have said; and, lastly, he says, contrary to all his former declarations, "that he had never meant nor could give the directors the least notice of them at all, as they had answered his purpose, and he had dismissed them from his remembrance." I intended, he says, always to keep them secret, though I have declared to you solemnly, over and over again, that I did not. I do not care how you discovered them; I have forgotten them; I have dismissed them from my remembrance. Is this the way in which money is to be received and accounted for?

He then proceeds thus: "But when fortune threw a sum of money in my way, of a magnitude which could not be concealed,—and the peculiar delicacy of my situation, at the time I received it, made me more circumspect of appearances,—I chose to apprize my employers of it, which I did hastily

and generally: hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to the amount all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding a part of these receipts from the knowledge of the court of directors, and informing them of the rest, it being my wish to clear up every doubt." I am almost ashamed to remark upon the tergiversations and prevarications perpetually ringing the changes in this declaration. He would not have discovered this £100,000 if he could have concealed it: he would have discovered it, lest malicious persons should be telling tales of it. He has a system of concealment; he never discovers anything but when he thinks it can be forced from him. He says, indeed, I could conceal these things for ever, but my conscience would not give me leave: but it is guilt, and not honesty of conscience, that always prompts him. At one time it is the malice of people and the fear of misrepresentation which induced him to make the disclosure; and he values himself on the precaution which this fear had suggested to him. At another time it is the magnitude of the sum which produced this effect: nothing but the impossibility of concealing it could possibly have made him discover it. This £100,000 he declares he would have concealed if he could, and yet he values himself upon the discovery of it. Oh, my lords, I am afraid that sums of much greater magnitude have not been discovered at all. Your lordships now see some of the artifices of this letter. You see the variety of styles he adopts, and how he turns himself into every shape and every form. But after all, do you find any clear discovery? do you find any satisfactory answer to the directors' letter? does he once tell you from whom he received the money? does he tell you for what he received it? what the circumstances of the persons giving it were, or any explanation whatever of his mode

of accounting for it? No; and here, at last, after so many years' litigation, he is called to account for his prevaricating, false accounts in Calcutta, and cannot give them to you.

His explanation of his conduct relative to the bonds now only remains for your lordships' consideration. Before he left Calcutta in July, 1784, he says, when he was going upon a service, which he thought a service of danger, he indorsed the false bonds which he had taken from the Company, declaring them to be none of his. You will observe, that these bonds had been in his hands from the 9th or 15th of January (I am not quite sure of the exact date) to the day when he went upon this service, some time in the month of July, 1784. This service he had formerly declared he did not apprehend to be a service of danger: but he found it to be so after: it was in anticipation of that danger that he made this attestation and certificate upon the bonds. But who ever saw them? Mr. Larkins saw them, says he: I gave them to Mr. Larkins. We will show you hereafter that Mr. Larkins deserves no credit in this business; that honour binds him not to discover the secrets of Mr. Hastings. But why did he not deliver them up entirely, when he was going upon that service? for all pretence of concealment in the business was now at an end, as we shall prove. Why did he not cancel these bonds? why keep them at all? why not enter truly the state of the account in the Company's records? But I indorsed them, he says. Did you deliver them so indorsed into the treasury? No; I delivered them indorsed into the hands of my bribe-broker and agent. But why not destroy them, or give them up to the Company, and say you were paid, which would have been the only truth in this transaction? Why did you not indorse them before? Why not during the long period of so many years cancel them? No, he kept them to the very day when he was going from Calcutta, and had made a declaration that they were not his. Never before, upon any account, had they appeared; and though the committee of the House of Commons, in the eleventh report, had remarked upon all these scandalous proceedings and prevarications, yet he was not stimulated, even then, to give up these bonds. He held them in his hands till the time when he was preparing for his departure from Calcutta, in spite of the directors, in spite of the parliament,

in spite of the cries of his own conscience, in a matter which was now grown public, and would knock doubly upon his reputation and conduct. He then declares they are not for his own use, but for the Company's service. But were they then cancelled? I do not find a trace of their being cancelled. In this letter of the 17th of January, 1785, he says, "With regard to these bonds, the following sums were paid into the treasury, and bonds granted for the same, in the name of the Governor-General, in whose possession the bonds remain, with a declaration upon each indorsed, and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received."

To the account of the 22nd of May, of the indorsement, is added the declaration upon oath. But why any man need to declare upon oath that the money which he has fraudulently taken and concealed from another person is not his, is the most extraordinary thing in the world. If he had a mind to have it placed to his credit as his own, then an oath would be necessary; but, in this case, any one would believe him upon his word. He comes, however, and says, This is indorsed upon oath. Oath! before what magistrate? In whose possession were the bonds? Were they given up? There is no trace of that upon the record, and it stands for him to prove that they were ever given up, and in any hands but Mr. Larkins's and his own. So here are the bonds, begun in obscurity and ending in obscurity, ashes to ashes, dust to dust, corruption to corruption, and fraud to fraud. This is all we see of these bonds, till Mr. Larkins, to whom he writes some letter concerning them, which does not appear, is called to read a funeral sermon over them.

My lords, I am come now near the period of this class of Mr. Hastings's bribes. I am a little exhausted. There are many circumstances that might make me wish not to delay this business by taking up another day at your lordships' bar, in order to go through this long intricate scene of corruption. But my strength now fails me. I hope within a very short time, to-morrow or the next court day, to finish it, and to go directly into evidence, as I long much to do, to substantiate the charge; but it was necessary that the evidence should be explained. You have heard as much of the drama as I could go through; bear with my weakness a lit-

tle. Mr. Larkins's letter will be the epilogue to it. I have already incurred the censure of the prisoner; I mean to increase it by bringing home to him the proof of his crimes, and to display them in all their force and turpitude. It is my duty to do it; I feel it an obligation nearest to my heart.

TRIAL.

TUESDAY, 7TH MAY, 1789.

(MR. BURKE.)

MY LORDS,—When I had the honour last to address you from this place, I endeavoured to press this position upon your minds, and to fortify it by the example of the proceedings of Mr. Hastings, that obscurity and inaccuracies in a matter of account constituted a just presumption of fraud. I showed, from his own letters, that his accounts were confused and inaccurate. I am ready, my lords, to admit that there are situations in which a minister in high office may use concealment; it may be his duty to use concealment from the enemies of his masters: it may be prudent to use concealment from his inferiors in the service. It will always be suspicious to use concealment from his colleagues and co-ordinates in office. But when, in a money transaction, any man uses concealment with regard to them to whom the money belongs, he is guilty of a fraud. My lords, I have shown you that Mr. Hastings kept no account, by his own confession, of the monies that he had privately taken, as he pretends, for the Company's service, and we have but too much reason to presume, for his own. We have shown you, my lords, that he has not only no accounts, but no memory: we have shown, that he does not even understand his own motives; that, when called upon to recollect them, he begs to guess at them; and that as his memory is to be supplied by his guess, so he has no confidence in his guesses. He at

first finds, after a lapse of about a year and a half, or somewhat less, that he cannot recollect what his motives were to certain actions, which upon the very face of them appeared fraudulent. He is called to an account some years after to explain what they were, and he makes a just reflection upon it: namely, that as his memory did not enable him to find out his own motive at the former time, it is not to be expected that it would be clearer a year after. Your lordships will, however, recollect, that in the Cheltenham letter, which is made of no perishable stuff, he begins again to guess; but after he has guessed, and guessed again, and after he has gone through all the motives he can possibly assign for the action, he tells you, he does not know whether those were his real motives, or whether he has not invented them since.

In that situation the accounts of the Company were left, with regard to very great sums which passed through Mr. Hastings's hands, and for which he, instead of giving his masters credit, took credit to himself; and being their debtor, as he confesses himself to be, at that time took a security for that debt, as if he had been their creditor. This required explanation: explanation he was called upon for over and over again: explanation he did not give, and declared he could not give. He was called upon for it when in India; he had not leisure to attend to it there. He was called upon for it when in Europe; he then says he must send for it to India. With much prevarication, and much insolence too, he confesses himself guilty of falsifying the Company's accounts by making himself their creditor when he was their debtor, and giving false accounts of this false transaction. The court of directors was slow to believe him guilty; parliament expressed a strong suspicion of his guilt, and wished for further information. Mr. Hastings, about this time, began to imagine his conscience to be a faithful and true monitor, which it were well he had attended to upon many occasions, as it would have saved him his appearance here; and it told him that he was in great danger from the parliamentary inquiries that were going on. It was now to be expected that he would have been in haste to fulfil the promise which he had made in the Patna letter of the 20th of January, 1782; and accordingly we find that about this time his first agent, Major Fairfax, was sent over to

Europe, which agent entered himself at the India House, and appeared before the committee of the House of Commons, as an agent expressly sent over to explain whatever might appear doubtful in his conduct. Major Fairfax, notwithstanding the character in which Mr. Hastings employed him, appeared to be but a letter-carrier: he had nothing to say, he gave them no information in the India House at all; to the committee (I can speak with the clearness of a witness), he gave us no satisfaction whatever. However, this agent vanished in a moment, in order to make way for another more substantial, more efficient agent: an agent perfectly known in this country.—An agent known by the name given to him by Mr. Hastings, who, like the princes of the East, gives titles; he calls him an incomparable agent; and by that name he is very well known to your lordships and the world. This agent, Major Scott, who, I believe, was here prior to the time of Major Fairfax's arrival, in the character of an agent, and for the very same purposes, was called before the committee, and examined point by point, article by article, upon all that obscure enumeration of bribes which the court of directors declare they did not understand; but he declared that he could speak nothing with regard to any of these transactions, and that he had got no instructions to explain any part of them. There was but one circumstance which in the course of his examination we drew from him, namely, that one of these articles entered in the account of the 22nd of May as a deposit had been received from Mr. Hastings as a bribe from Cheit Sing: he produced an extract of a letter relative to it, which your lordships in the course of this trial may see, and which will lead us into a further and more minute inquiry on that head; but when that committee made their report in 1783, not one single article had been explained to parliament, not one explained to the Company, except this bribe of Cheit Sing, which Mr. Hastings had never thought proper to communicate to the East-India Company, either by himself, nor, as far as we could find out, by his agent; nor was it at last otherwise discovered than as it was drawn out from him by a long examination in the committee of the House of Commons. And thus, notwithstanding the letters he had written and the agents he employed, he seemed absolutely and firmly resolved to give his

employers no satisfaction at all. What is curious in this proceeding is, that Mr. Hastings, all the time he conceals, endeavours to get himself the credit of a discovery. Your lordships have seen what his discovery is; but Mr. Hastings, among his other very extraordinary acquisitions, has found an effectual method of concealment through discovery. I will venture to say that, whatever suspicions there might have been of Mr. Hastings's bribes, there was more effectual concealment in regard to every circumstance respecting them in that discovery than if he had kept a total silence. Other means of discovery might have been found, but this standing in the way prevented the employment of those means.

Things continued in this state till the time of the letter from Cheltenham: the Cheltenham letter declared that Mr. Hastings knew nothing of the matter; that he had brought with him no accounts to England upon the subject; and though it appears by this very letter, that he had with him at Cheltenham (if he wrote the letter at Cheltenham) a great deal of his other correspondence, that he had his letter of the 22nd of May with him, yet any account that could elucidate that letter he declared that he had not: but he hinted, that a Mr. Larkins in India, whom your lordships will be better acquainted with, was perfectly apprized of all that transaction. Your lordships will observe that Mr. Hastings has all his faculties, some way or other, in deposit; one person can speak to his motives; another knows his fortune better than himself; to others he commits the sentimental parts of his defence; to Mr. Larkins he commits his memory. We shall see what a trustee of memory Mr. Larkins is, and how far he answers the purpose, which might be expected when appealed to by a man who has no memory himself, or who has left it on the other side of the water; and who leaves it to another to explain for him accounts which he ought to have kept himself, and circumstances which ought to be deposited in his own memory.

This Cheltenham letter, I believe, originally became known, as far as I can recollect, to the House of Commons upon a motion of Mr. Hastings's own agent: I do not like to be positive upon that point, but I think that was the first appearance of it. It appeared likewise in public; for it was thought so extraordinary and laborious a performance,

by the writer or his friends, as indeed it is, that it might serve to open a new source of eloquence in the kingdom; and consequently was printed, I believe, at the desire of the parties themselves. But however it became known, it raised an extreme curiosity in the public to hear, when Mr. Hastings could say nothing, after so many years, of his own concerns and his own affairs, what satisfaction Mr. Larkins, at last, would give concerning them. This letter was directed to Mr. Devaynes, chairman of the court of directors. It does not appear that the court of directors wrote anything to India in consequence of it, or that they directed this satisfactory account of the business should be given them; but some private communications passed between Mr. Hastings, or his agents, and Mr. Larkins. There was a general expectation upon this occasion, I believe, in the House of Commons, and in the nation at large, to know what would become of the portentous inquiry. Mr. Hastings has always contrived to have half the globe between question and answer; when he was in India, the question went to him, and then he adjourned his answer till he came to England; and, when he came to England, it was necessary his answer should arrive from India; so that there is no manner of doubt that all time was given for digesting, comparing, collating, and making up a perfect memory upon the occasion. But, my lords, Mr. Larkins, who has in custody Mr. Hastings's memory, no small part of his conscience, and all his accounts, did, at last, in compliance with Mr. Hastings's desire, think proper to send an account. Then, at last, we may expect light. Where are we to look for accounts but from an accountant-general? where are they to be met with, unless from him? and, accordingly, in that night of perplexity into which Mr. Hastings's correspondence had plunged them, men looked up to the dawning of the day which was to follow that star; the little Lucifer which, with his lamp, was to dispel the shades of night, and give us some sort of light into this dark mysterious transaction. At last the little lamp appeared, and was laid on the table of the House of Commons, on the motion of Mr. Hastings's friend: for we did not know of its arrival. It arrives, with all the intelligence, all the memory, accuracy, and clearness which Mr. Larkins can furnish for Mr. Hastings,

upon a business that before was nothing but mystery and confusion. The account is called, "Copy of the particulars of the dates on which the component parts of sundry sums included in the account of sums received on the account of the honourable Company by the Governor-General, or paid to their treasury by his order, and applied to their service, when received for Mr. Hastings, and paid to sub-treasurer." The letter from Mr. Larkins consisted of two parts; first, what was so much wanted, an account; next, what was wanted most of all to such an account as he sent, a comment and explanation. The account consisted of two members; one gave an account of several detached bribes that Mr. Hastings had received within the course of about a year and a half; and the other, of a great bribe which he had received, in one gross sum of £100,000, from the Nabob of Oude. It appeared to us, upon looking into these accounts, that there was some geography, a little bad chronology, but nothing else in the first; neither the persons who took the money, nor the persons from whom it was taken, nor the ends for which it was given, nor any other circumstances, are mentioned.

The first thing we saw was *Dinagepore*. I believe you know this piece of geography, that it is one of the provinces of the kingdom of Bengal. We then have a long series of months, with a number of sums added to them; and, in the end, it is said, that on the 18th and 19th of Assin, meaning part of September and part of October, were paid to Mr. Crofts two lacks of rupees; and then remains one lack which was taken from a sum of three lacks 6,973 rupees.

After we had waited for Mr. Hastings's own account; after it had been pursued through a series of correspondence in vain; after his agents had come to England to explain it, this is the explanation that your lordships have got of this first article, Dinagepore; not the person paid to, not the person paying, are mentioned, nor any other circumstance, except the signature, *G. G. S.*; this might serve for *George Gilbert Sanders*, or any other name you please: and seeing *Crofts* above it, you might imagine it was an Englishman: and this, which I call a geographical and a chronological account, is the only account we have. Mr. Larkins, upon the mere face of the account, sadly disappoints us; and I will venture to say, that in matters of account Bengal book-keeping is as remote

from good book-keeping as the Bengal *paiuches* are remote from all the rules of good composition.

We have however got some light; namely, that one G. G. S. has paid some money to Mr. Crofts for some purpose; but from whom we know not, nor where: that there is a place called Dinagepore, and that Mr. Hastings received some money from somebody in Dinagepore.

The next article is *Patna*. Your lordships are not so ill acquainted with the geography of India as not to know that there is such a place as *Patna*, nor so ill acquainted with the chronology of it as not to know that there are three months called Bysack, Assin, Cheyt. Here was paid to Mr. Crofts two lacks of rupees, and there was left a balance of about two more.

But, though you learn, with regard to the province of Dinagepore, that there is a balance to be discharged by G. G. S.; yet, with regard to Patna, we have not even a G. G. S.; we have no sort of light whatever to know through whose hands the money passed, nor any glimpse of light whatever respecting it. You may expect to be made amends in the other province, called *Nuddea*, where Mr. Hastings had received a considerable sum of money: there is the very same darkness; not a word from whom received, by whom received, or any other circumstance, but that it was paid into the hands of Mr. Hastings's *white banyan*, as he was commonly called in that country, into the hands of Mr. Crofts, who is his white agent in receiving bribes; for he was very far from having but one.

After all this inquiry, after so many severe animadversions from the House of Commons, after all those reiterated letters from the directors, after an application to Mr. Hastings *himself*, when you are hunting to get at some explanation of the proceedings mentioned in the letter of the month of May, 1782, you receive here, by Mr. Larkins's letter, which is dated the 5th of August, 1786, this account; which, to be sure, gives an amazing light into this business: it is a letter for which it was worth sending to Bengal, worth waiting for with all that anxious expectation with which men wait for great events. Upon the face of the account there is not one single word which can tend to illustrate the matter. He sums up the whole, and makes out that there was re-

ceived five lacks and 50,000 rupees; that is to say, £55,000 out of the sum of nine lacks and 50,000 engaged to be paid —namely,

From Dinagepore	4,00,000
From Nuddea	1,50,000
And from Patna	4,00,000
	9,50,000
	Or £95,000

Now you have got full light! *Cabooleat* signifies a contract or an agreement; and this agreement was to pay Mr. Hastings, as one should think, certain sums of money; it does not say from whom, but only that such a sum of money was paid, and that there remains such a balance. When you come and compare the money received by Mr. Crofts with these cabooleats, you find that the cabooleats amount to £95,000, and that the receipt has been about £55,000, and that upon the face of this account there is £40,000 somewhere or other unaccounted for. There never was such a mode of account-keeping, except in the new system of this bribe exchequer.

Your lordships will now see, from this luminous, satisfactory, and clear account, which could come from no other than a great accountant and a great financier, establishing some new system of finance, and recommending it to the world as superior to those old-fashioned, foolish establishments, the Exchequer and Bank of England, what lights are received from Mr. Hastings.

However, it does so happen that from these obscure hints we have been able to institute examinations which have discovered such a mass of fraud, guilt, corruption, and oppression, as probably never before existed since the beginning of the world: and in that darkness we hope and trust the diligence and zeal of the House of Commons will find light sufficient to make a full discovery of his base crimes. We hope and trust that after all his concealments, and though he appear resolved to die in the last dyke of prevarication, all his artifices will not be able to secure him from the siege

which the diligence of the House of Commons has laid to his corruptions.

Your lordships will remark in a paragraph, which, though it stands last, is the first in principle, in Mr. Larkins's letter, that, having before given his comment, he perorates, as is natural, upon such an occasion. This peroration, as is usual in perorations, is in favour of the parties speaking it, and *ad conciliandum auditorem*. "Conscious (he says) that the concern which I have had in these transactions needs neither an apology nor an excuse,"—that is rather extraordinary too! —"and that I have in no action of my life sacrificed the duty and fidelity which I owed to my honourable employers either to the regard which I felt for another, or to the advancement of my own fortune, I shall conclude this address, firmly relying upon the candour of those before whom it may be submitted, for its being deemed a satisfactory as well as a circumstantial compliance with the requisition in conformity to which the information it affords has been furnished;" meaning, as your lordships will see in the whole course of the letter, that he had written it in compliance with the requisition, and in conformity to the information he had been furnished with by Mr. Hastings;—"without which it would have been as base as dishonourable for me spontaneously to have afforded it; for though the duty which every man owes to himself should render him incapable of making an assertion not strictly true, no man, actuated either by virtuous or honourable sentiments, could mistakenly apprehend that, unless he betrayed the confidence reposed in him by another, he might be deemed deficient in fidelity to his employers."

My lords, here is, in my opinion, a discovery very well worthy your lordships' attention; here is the accountant-general of the Company, who declares, and fixes it as a point of honour, that he would not have made a discovery so important to them if Mr. Hastings himself had not authorized him to make it: a point to which he considers himself bound by his honour to adhere. Let us see what becomes of us when the principle of honour is so debauched and perverted. A principle of honour, as long as it is connected with virtue, adds no small efficacy to its operation, and no small brilliancy and lustre to its appearance; but honour, the moment that it becomes unconnected with the duties of official function,

with the relations of life, and the eternal and immutable rules of morality, and appears in its substance alien to them, changes its nature; and, instead of justifying a breach of duty, aggravates all its mischiefs to an almost infinite degree; by the apparent lustre of the surface it hides from you the baseness and deformity of the ground: here is Mr. Hastings's agent, Mr. Larkins, the Company's general accountant, prefers his attachment to Mr. Hastings to his duty to the Company. Instead of the account which he ought to give to them, in consequence of the trust reposed in him, he thinks himself bound by honour to Mr. Hastings, if Mr. Hastings had not called for that explanation, not to have given it; so that whatever obscurity is in this explanation, it is because Mr. Hastings did not authorize or require him to give a clearer. Here is a principle of treacherous fidelity, of perfidious honour, of the faith of conspirators against their masters, the faith of robbers against the public, held up against the duty of an officer in a public situation. You see how they are bound to one another, and how they give their fidelity to keep the secrets of one another, to prevent the directors having a true knowledge of their affairs; and, I am sure, if you do not destroy this honour of conspirators and this faith of robbers, that there will be no other honour and no other fidelity among the servants in India. Mr. Larkins, your lordships see, adheres to the principle of secrecy; you will next remark, that Mr. Hastings had as many bribe-factors as bribes; there was confidence to be reposed in each of them, and not one of these men appears to be in the confidence of another. You will find in this letter the policy, the frame, and constitution of this new exchequer. Mr. Crofts seems to have known things which Mr. Larkins did not. Mr. Larkins knew things which Gunga Govin Sing did not. Gunga Govin Sing knew things which none of the rest of the confederates knew. Cantoo Baboo, who appears in this letter as a principal actor, was in a secret which Mr. Larkins did not know. It appears, likewise, that there was a Persian moonshee in a secret of which Cantoo Baboo was ignorant; and it appears that Mr. Palmer was in the secret of a transaction not entrusted to any of the rest. Such is the labyrinth of this practical *painche*, or screw, that if, for instance, you were endeavouring to trace backwards some transaction

through Major Palmer, you would be stopped there; and must go back again, for it had begun with Cantoo Baboo. If in another you were to penetrate into the dark recess of the black breast of Cantoo Baboo, you could not go further; for it began with Gunga Govin Sing. If you pierce the breast of Gunga Govin Sing, you are again stopped; a Persian moonshee was the confidential agent. If you get beyond this, you find Mr. Larkins knew something which the others did not; and at last you find Mr. Hastings did not put entire confidence in any of them. You will see by this letter that he kept his accounts in all colours, black, white, and mezzotinto: that he kept them in all languages; in Persian, in Bengallee, and in a language which, I believe, is neither Persian nor Bengallee, nor any other known in the world, but a language in which Mr. Hastings found it proper to keep his accounts and to transact his business. The persons carrying on the accounts are Mr. Larkins, an Englishman, Cantoo Baboo, a Gentoo, and a Persian moonshee, probably a Mahomedan. So all languages, all religions, all descriptions of men, are to keep the account of these bribes, and to make out this valuable account which Mr. Larkins gave you!

Let us now see how far the memory, observation, and knowledge of the persons referred to can supply the want of them in Mr. Hastings. These accounts come at last, though late, from Mr. Larkins, who, I will venture to say, let the banyans boast what they will, has skill perhaps equal to the best of them: he begins by explaining to you something concerning the present of the ten lacks. I wish your lordships always to take Mr. Hastings's word, where it can be had, or Mr. Larkins's, who was the representative of, and memory-keeper to, Mr. Hastings; and then I may perhaps take the liberty of making some observations upon it.—"Extract of a letter from William Larkins, accountant-general of Bengal, to the chairman of the East-India Company, dated 5th August, 1786. Mr. Hastings returned from Benares to Calcutta on the 5th February, 1782, at that time wholly ignorant of the letter which on the 20th January he wrote from Patna, to the secret committee of the honourable the court of directors. The rough draught of this letter, in the hand-writing of Major Palmer, is now in my possession.

Soon after his arrival at the presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th, &c., and 307th pages of the honourable Company's general books of the year 1781-2. My official situation as accountant-general had previously convinced me that Mr. Hastings could not have made the issues which were acknowledged as received from him by some of the paymasters of the army, unless he had obtained some such supply as that which he afterwards, namely, on the 22nd of May, 1782, made known to me, when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date till when the promise contained in his letter of 20th January had entirely escaped his recollection."

The first thing I would remark on this, and I believe your lordships have rather gone before me in the remark, is, that Mr. Hastings came down to Calcutta on the 5th of February, that then, or a few days after, he calls to him his confidential and faithful friend (not his official secretary, for he trusted none of his regular secretaries with these transactions), he calls him to help him to make out his accounts during his absence. You would imagine, that at that time he trusted this man with his account: no such thing; he goes on with the accountant-general, accounting with him for money expended, without ever explaining to that accountant-general how that money came into his hands. Here then we have the accountant making out the account, and the person accounting; the accountant does not in any manner make an objection, and say, Here you are giving me an account, by which it appears that you have expended money, but you have not told me where you received it; how shall I make out a fair account of debtor and creditor between you and the Company? He does no such thing. There lies a suspicion in his breast that Mr. Hastings must have taken some money in some irregular way, or he could not have made those payments. Mr. Larkins begins to suspect him. "Where did you lose this bodkin?" (said one lady to another upon a certain occasion.) "Pray madam where did you find it?" Mr. Hastings, at the very moment of his life when confidence was required, even when making up his accounts with his accountant, never told him one word of the matter. You

see he had no confidence in Mr. Larkins; this makes out one of the propositions I want to impress upon your lordships' minds, that no one man did he let into every part of his transactions; a material circumstance, which will help to lead your lordships' judgment in forming your opinion upon many parts of this cause.

You see that Mr. Larkins suspected him: probably in consequence of those suspicions, or from some other cause, he at last told him upon the 22nd of May 1782 (but why at that time, rather than at any other time, does not appear; and this we shall find very difficult to be accounted for),—he told him that he had received a bribe from the Nabob of Oude, of £100,000: he informs him of this on the 22nd of May, which, when the accounts were making up, he conceals from him: and he communicates to him the rough draughts of his letter to the court of directors, informing them that this business was not transacted by any known secretary of the Company, nor with the intervention of any interpreter of the Company; nor passed through any official channel whatever, but through a gentlemen much in his confidence, his military secretary; and as if receiving bribes, and receiving letters concerning them, and carrying on correspondence relative to them, was a part of military duty, the rough draught of this letter was in the hands of this military secretary. Upon the communication of the letter, it rushes all at once into the mind of Mr. Larkins, who knows Mr. Hastings's recollection, who knows what does and what does not escape it, and who had a memory ready to explode at Mr. Hastings's desire. "Good God! (says he), you have promised the directors an account of this business!" a promise which Mr. Larkins assures the directors, upon his word, had entirely escaped Mr. Hastings's recollection. Mr. Hastings, it seems, had totally forgotten the promise relative to the paltry sum of £100,000, which he had made to the court of directors in the January before; he never once thought of it; no, not even when he was making up his accounts of that very identical sum, till the 22nd of May. So that these persons answer for another's bad memory, and you will see they have good reason. Mr. Hastings's want of recollection appears in things of some moment. However lightly he may regard the sum of £100,000, which, consider-

ing the enormous sums he has received, I dare say he does—for he totally forgot it, he knew nothing about it—observe what sort of memory this registrar and accountant of such sums as £100,000 has. In what confusion of millions must it be that such sums can be lost to Mr. Hastings's recollection! however, at last it was brought to his recollection, and he thought that it was necessary to give some account of it. And who is the accountant whom he produces? His own memory is no accountant. He had dismissed the matter (as he happily expresses it in the Cheltenham letter) from his memory. Major Palmer is not the accountant. One is astonished that a man who had had £100,000 in his hands, and laid it out as he pretends in the public service, has not a scrap of paper to show for it. No ordinary or extraordinary account is given of it. Well, what is to be done in such circumstances? He sends for a person, whose name you have heard and will often hear of, the faithful Cantoo Baboo. This man comes to Mr. Larkins, and he reads to him (be so good as to remark the words) from a Bengal paper the account of the detached bribes. Your lordships will observe, that I have stated the receipt of a number of detached bribes; and a bribe in one great body.—One, the great corps d'armée; the other, flying scouting bodies, which were only to be collected together by a skilful man who knew how to manage them, and regulate the motions of those wild and disorderly troops. When No. 2 was to be explained, Cantoo Baboo failed him; he was not worth a farthing as to any transaction that happened when Mr. Hastings was in the upper provinces; where, though he was his faithful and constant attendant through the whole, yet he could give no account of it. Mr. Hastings's moonshee then reads three lines from a paper to Mr. Larkins. Now, it is no way even insinuated that both the Bengal and Persian papers did not contain the account of other immense sums; and indeed, from the circumstance of only three lines being read from the Persian paper, your lordships will be able in your own minds to form some judgment upon this business.

I shall now proceed with his letter of explanation. "The particulars," he goes on to say, "of the paper No. 1 were read to me from a Bengal paper by Mr. Hastings's banyan, Cantoo Baboo: and, if I am not mistaken, the three first lines

of that No. 2 were read over to me from a Persian paper by his moonshee. The translation of these particulars, made by me, was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident that if I had not suggested to him the necessity of his taking this precaution, he would at this moment have been unable to have afforded any such information concerning them."

Now, my lords, if he had not got, on the intimation of Mr. Larkins, some scraps of paper, your lordships might have, at this day, wanted that valuable information which Mr. Larkins has laid before you. These, however, contain, Mr. Larkins says, "the first complete"—what?—account, do you imagine? no; "the first complete *memorandum*." You would imagine that he would himself, for his own use, have notched down somewhere or other, in short-hand, in Persian characters, short without vowels, or in some other way, *memorandums*: but he had not himself even a memorandum of this business; and, consequently, when he was at Cheltenham, and even here at your bar, he could never have had any account of a sum of £100,000 but by this account of Mr. Larkins, taken as people read them from detached pieces of paper.

One would have expected that Mr. Larkins, being warned that day, and cautioned by the strange memory of Mr. Hastings, and the dangerous situation, therefore, in which he himself stood, would at least have been very guarded and cautious. Hear what he next says upon this subject: "As neither of the other sums passed through his hands, these (meaning the scraps) contained no such specification, and consequently could not enable him to afford the information with which he has requested me to furnish you: and it is more than probable, that if the affidavits which I took on the 16th of December, 1782, had not exposed my character to the suspicion of my being capable of committing one of the basest trespasses upon the confidence of mankind, I should at this distance of time have been equally unable to have complied with this request: but, after I became acquainted with the insinuation suggested in the eleventh report of the select committee of the House of Commons, I thought it but too probable that, unless I was possessed of the original

memorandum which I had made of these transactions, I might not at some distant period be able to prove that I had not descended to commit so base an action. I have, therefore, always most carefully preserved every paper which I possessed regarding these transactions."

You see that Mr. Hastings had no memorandums of his accounts; you see that, after Mr. Larkins had made his memorandums of them, he had no design of guarding or keeping them; and you will commend those wicked and malicious committees, who, by their reports, have told an accountant-general and first public officer of revenue that, in order to guard his character from their suspicions, it was necessary that he should keep some paper or other of an account. We have heard of the base, wicked, and mercenary license that has been used by these gentlemen of India towards the House of Commons; a license to libel and traduce the diligence of the House of Commons, the purity of their motives, and the fidelity of their actions, by which the very means of informing the people are attempted to be used for the purpose of leaving them in darkness and delusion. But, my lords, when the accountant-general declares that if the House of Commons had not expressed, as they ought to express, much diffidence and distrust respecting these transactions, and even suspected him of perjury, this very day that man would not have produced a scrap of those papers to you, but might have turned them to the basest and most infamous of uses:—if, I say, we have saved these valuable fragments by suspecting his integrity, your lordships will see suspicion is of some use; and I hope the world will learn that punishment will be of use too, in preventing such transactions.

Your lordships have seen that no two persons know anything of these transactions: you see that even memorandums of transactions of very great moment, some of which had passed in the year 1779, were not even so much as put in the shape of complete memoranda until May, 1782; you see that Mr. Hastings never kept them: and there is no reason to imagine that a black banyan and a Persian moonshee would have been careful of what Mr. Hastings himself, who did not seem to stimulate his accountants to a vast deal of exactness and a vast deal of fidelity, was negligent. You

see that Mr. Larkins, our last, our only hope, if he had not been suspected by the House of Commons, probably would never have kept these papers; and that you could not have had this valuable cargo, such as it is, if it had not been for the circumstance Mr. Larkins thinks proper to mention.

From the specimen which we have given of Mr. Hastings's mode of accounts, of its vouchers, checks, and counter-checks, your lordships will have observed that the mode itself is past describing; and that the checks and counter-checks, instead of being put upon one another to prevent abuse, are put upon each other to prevent discovery and to fortify abuse. When you hear that one man has an account of receipt, another of expenditure, another of control, you say that office is well constituted: but here is an office constituted by different persons, without the smallest connexion with each other; for the only purpose which they have ever answered is the purpose of base concealment.

We shall now proceed a little further with Mr. Larkins. The first of the papers from which he took the memoranda was a paper of Cantoo Baboo; it contained detached payments, amounting in the whole, with the cabobleat or agreement, to about £95,000 sterling, and of which it appears that there was received by Mr. Crofts £55,000, and no more.

Now, will your lordships be so good as to let it rest in your memory what sort of an exchequer this is, even with regard to its receipts. As your lordships have seen the economy and constitution of this office, so now see the receipt. It appears that in the month of May, 1782, out of the sums beginning to be received in the month of Shamar, that is, in July, 1779, there was during that interval £40,000 out of £95,000 sunk somewhere, in some of the turnings over upon the gridiron, through some of those agents and panders of corruption which Mr. Hastings uses. Here is the *valuable* revenue of the Company, which is to *supply them in their exigencies, which is to come from sources which otherwise never would have yielded it;* which, though small in proportion to the other revenue, yet is a diamond, something that by its value makes amends for its want of bulk; falling short by £40,000 out of 95,000. Here is a system made for fraud, and producing all the effects of it.

Upon the face of this account, the agreement was to yield

to Mr. Hastings, some way or other, to be paid to Mr. Crofts, 95,000, and there was a deficiency of £40,000. Would any man, even with no more sense than Mr. Hastings, who wants all the faculties of the human mind, who has neither memory nor judgment,—any man who was that poor, half-idiot creature that Mr. Hastings pretends to be, engage in a dealing that was to extort from some one or other an agreement to pay £95,000, which was not to produce more than £55,000? What, then, is become of it? Is it in the hands of Mr. Hastings's wicked bribe-brokers, or in his own hands? is it in arrear? do you know anything about it? whom are you to apply to for information? why, to G. G. S., G. G. S. I find to be, what indeed I suspected him to be, a person that I have mentioned frequently to your lordships, and that you will often hear of, commonly called Gunga Govin Sing, in a short word, the wickedest of the whole race of banyans: the consolidated wickedness of the whole body is to be found in this man.

Of the deficiency which appears in this agreement with somebody or other on the part of Mr. Hastings through Gunga Govin Sing, you will expect to hear some explanation. Of the first sum which is said to have been paid through Gunga Govin Sing, amounting on the cabooleat to four lacks, and of which no more than two lacks was actually received,—that is to say, half of it was sunk,—we have this memorandum only, "Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govin Sing assigned for not paying Mr. Crofts the sums stated by the paper No. 1 to be in his charge, he never could obtain from him any further payments on this account." Mr. Hastings is exceedingly dissatisfied with those excuses, and this is the whole account of the transaction. This is the only thing said of Gunga Govin Sing in the account; he neither states how he came to be employed, or for what he was employed. It appears however from the transaction, as far as we can make our way through this darkness, that he had actually received £10,000 of the money, which he did not account for, and that he pretended that there was an arrear of the rest. So here Mr. Hastings's bribe-agent admits that he had received £10,000, but he will not account for it; he says, There is an arrear of another £10,000;—and thus it

appears that he was enabled to take from somebody at Dinagepore, by a cabooleat, £40,000, of which Mr. Hastings can get but £20,000: there is cent. per cent. loss upon it. Mr. Hastings was so exceedingly dissatisfied with this conduct of Gunga Govin Sing, that you would imagine a breach would have immediately ensued between them. I shall not anticipate what some of my honourable friends will bring before your lordships; but I tell you, that, so far from quarrelling with Gunga Govin Sing, or being really angry with him, it is only a little pettish love-quarrel with Gunga Govin Sing; *amantium iræ amoris integratio est.* For Gunga Govin Sing, without having paid him one shilling of this money, attended him to the Ganges: and one of the last acts of Mr. Hastings's government was to represent this man, who was unfaithful even to fraud, who did not keep the common faith of thieves and robbers,—this very man he recommends to the Company as a person who ought to be rewarded, as one of their best and most faithful servants: and how does he recommend him to be rewarded? By giving him the estate of another person; the way in which Mr. Hastings desires to be always rewarded himself. For, in calling upon the Company's justice to give him some money for expenses with which he never charged them, he desires them to assign him the money upon some person of the country. So here Mr. Hastings recommends Gunga Govin Sing not only to trust, confidence, and employment, which he does very fully, but to a reward taken out of the substance of other people. This is what Mr. Hastings has done with Gunga Govin Sing; and if such are the effects of his anger, what must be the effect of his pleasure and satisfaction? Now I say that Mr. Hastings, who, in fact, saw this man amongst the very last with whom he had any communication in India, could not have so recommended him after this known fraud, in one business only, of £20,000; he could not so have supported him; he could not so have caressed him; he could not so have employed him; he could not have done all this, unless he had paid to Mr. Hastings privately that sum of money, which never was brought into any even of these miserable accounts; without some payment or other, with which Mr. Hastings was and ought to be satisfied, or unless Gunga Govin Sing had some dishonourable secret to tell of

him, which he did not dare to provoke him to give a just account of; or lastly, unless the original agreement was, that half or a third of the bribe should go to Gunga Govin Sing.

Such is this patriotic scheme of bribery, this public-spirited corruption, which Mr. Hastings has invented upon this occasion, and by which he thinks out of the vices of mankind to draw a better revenue than out of any legal source whatever; and, therefore, he has resolved to become the most corrupt of all governors-general, in order to be the most useful servant to the finances of the Company.

So much as to the first article of Dinagepore peshcush. All you have is that G. G. S. is Gunga Govin Sing: that he has cheated the public of half of it; that Mr. Hastings was angry with him; and yet went away from Bengal rewarding, praising, and caressing him. Are these things to pass as matters of course? They cannot so pass with your lordships' sagacity; I will venture to say that no court, even of *pie-poûdre*, could help finding him guilty upon such a matter, if such a court had to inquire into it.

The next article is *Patna*. Here, too, he was to receive £40,000; but from whom, this deponent saith not: at this circumstance, Mr. Larkins, who is a famous deponent, never hints once. You may look through his whole letter, which is a pretty long one, and which I will save your lordships the trouble of hearing read at length now, because you will have it before you when you come to the Patna business; and you will only find, that somebody had engaged to pay him £40,000, and that but half of this sum was received. You want an explanation of this. You have seen the kind of explanation given in the former case, a conjectural explanation of G. G. S. But when you come to the present case, who the person paying was, why the money was not paid, what the cause of failure was, you are not told; you only learn that there was that sum deficient; and Mr. Larkins, who is our last resort and final hope of elucidation in this transaction, throws not the smallest glimpse of light upon it.

We, of the House of Commons, have been reduced to form the best legitimate conjectures we could upon this business, and those conjectures have led us to further evidence, which will enable us to fix one of the most scandalous and most mischievous bribes, in all the circumstances of it, upon

Mr. Hastings, that was ever known. If he extorted £40,000 under pretence of the Company's service, here is again another failure of half the money. Oh, my lords! you will find that even the remaining part was purchased with the loss of one of the best revenues in India, and with the grievous distress of a country that deserved well your protection, instead of being robbed to give £20,000 to the Company, and another £20,000 to some robber or other, black or white. When I say given to some other robber, black or white, I do not suppose that either generosity, friendship, or even communion, can exist in that country between white men and black; no, their colours are not more adverse than their characters and tempers. There is not that *idem velle et idem nolle;* there are none of those habits of life, nothing that can bind men together even in the most ordinary society: the mutual means of such an union do not exist between them. It is a money-dealing, and a money-dealing only, which can exist between them; and when you hear that a black man is favoured, and that £20,000 is pretended to be left in his hands, do not believe it; indeed, you cannot believe it; for we will bring evidence to show that there is no friendship between these people: and that when black men give money to a white man, it is a bribe: and that when money is given to a black man, he is only a sharer with the white man in their infamous profits. We find, however, somebody anonymous, with £20,000 left in his hands; and when we come to discover who the man is, and the final balance which appears against him in his account with the Company, we find that for this £20,000 which was received for the Company they paid such a compound interest as was never before paid for money advanced: the most violently griping usurer, in dealing with the most extravagant heir, never made such a bargain as Mr. Hastings has made for the Company by this bribe. Therefore it could be nothing but fraud that could have got him to have undertaken such a revenue. This evidently shows the whole to be a pretence to cover fraud, and not a weak attempt to raise a revenue; and that Mr. Hastings was not that idiot he represents himself to be, a man forgetting all his offices, all his duties, all his own affairs, and all the public affairs. He does not, however, forget how to make a bargain to get money; but when

the money is to bo recovered for the Company (as he says), he forgets to recover it; so that the accuracy with which he begins a bribe, *acribus initiis incurioso fine*, and the carelessness with which he ends it, are things that characterize not weakness and stupidity, but fraud.

The next article we proceed to is *Nuddea*. Here we have more light: but does Mr. Larkins anywhere tell you anything about Nuddea? No; it appears as if the account had been paid up; and that the cabooleat and the payments answer and tally with each other: yet, when we come to produce the evidence upon these parts, you will see most abundant reason to be assured that there is much more concealed than is given in this account: that it is an account current, and not an account closed; and that the agreement was for some other and greater sum than appears. It might be expected that the Company would inquire of Mr. Hastings and ask, From whom did he get it,—who has received it,—who is to answer for it? But he knew that they were not likely to make any inquiry at all, they are not that kind of people. You would imagine that a mercantile body would have some of the mercantile excellencies, and even you would allow them perhaps some of the mercantile faults. But they have, like Mr. Hastings, forgotten totally the mercantile character; and, accordingly, neither accuracy nor fidelity of account do they ever require of Mr. Hastings. They have too much confidence in him; and he accordingly acts like a man in whom such confidence, without reason, is reposed.

Your lordships may perhaps suppose that the payment of this money was an act of friendship and generosity in the people of the country? No; we have found out and shall prove from whom he got it; at least we shall produce such a conjecture upon it as your lordships will think us bound to do, when we have such an account before us. Here on the face of the account there is no deficiency; but when we look into it, we find, skulking in a corner, a person called Nunduloll, from whom there is received 58,000 rupees. You will find that he, who appears to have paid up this money, and which Mr. Hastings spent as he pleased in his journey to Benares, and who consequently must have had some trust reposed in him, was the wickedest of men next to those I

have mentioned; always giving the first rank to Gunga Govin Sing, *primus inter pares*, the second to Debi Sing, the third to Cantoo Baboo; this man is fit to be one next on a par with them. Mr. Larkins, when he comes to explain this article, says, "I believe it is for a part of the Dinagepore peshcush, which would reduce the balance to about £5,000;" but he does not pretend to know what it is given for; he gives several guesses at it; but, he says, "As I do not know, I shall not pretend to give more than my conjecture upon it." He is in the right, because we shall prove Nunduloll never did or had anything to do with the Dinagepore peshcush. These are very extraordinary proceedings. It is my business simply to state them to your lordships now (we will give them in afterwards in evidence), and I will leave that evidence to be confirmed and fortified by further observations.

One of the objects of Mr. Larkins's letter is to illustrate the bonds. He says, "The two first stated sums," namely, Dinagepore and Patna, in the paper marked No. 1, I suppose, for he seems to explain it to be such, "are sums for a part of which Mr. Hastings took two bonds; viz. No. 1539, dated 1st October, 1780, and No. 1540, dated 2nd October, 1780, each for the sum of current rupees, 1,16,000, or sicca rupees one lack. The remainder of that amount was carried to the credit of the head, *Four per cent. Remittance Loan;* Mr. Hastings having taken a bond for it (No. 89), which has been since completely liquidated, conformable to the law." But, before I proceed with the bonds, I will beg leave to recall to your lordships' recollection that Mr. Larkins states in his letter that these sums were received in November. How does this agree with another state of the transaction given by Mr. Hastings, viz. that the time of his taking the bonds was the 1st and 2nd of October? Mr. Larkins, therefore, who has thought proper to say that the money was received in the month of November, has here given as extraordinary an instance either of fraudulent accuracy or shameful official inaccuracy as was ever perhaps discovered. The first sums are asserted to be paid to Mr. Crofts on the 18th and 19th of Assen, 1187; the month of Assen corresponds with the month of September and part of October, and not with November; and it is the more extraordinary that Mr. Larkins should mistake this, because he is in an

office which requires monthly payments, and, consequently, great monthly exactness, and a continual transfer from one month to another: we cannot suppose any accountant in England can be more accurately acquainted with the succession of months than Mr. Larkins must have been with the comparative state of Bengal and English months. How are we to account for this gross inaccuracy? If you have a poet, if you have a politician, if you have a moralist inaccurate, you know that these are cases which, from the narrow bounds of our weak faculties, do not perhaps admit of accuracy. But what is an inaccurate *accountant* good for? "Silly man, that dost not know thy own silly trade!" was once well said: but the trade here is not silly. You do not even praise an accountant for being accurate, because you have thousands of them; but you justly blame a public accountant who is guilty of a gross inaccuracy. But what end could his being inaccurate answer—why not name October as well as November? I know no reason for it; but here is certainly a gross mistake; and, from the nature of the thing, it is hardly possible to suppose it to be a mere mistake. But, take it that it is a mistake, and to have nothing of fraud, but mere carelessness,—this in a man valued by Mr. Hastings for being very punctilious and accurate is extraordinary.

But, to return to the bonds. We find a bond taken in the month of Sawun, 1186, or 1779, but the receipt is said to be in Assen, 1780: that is to say, there was a year and about three months between the collection and the receipt; and, during all that period of time, an enormous sum of money had lain in the hands of Gunga Govin Sing, to be employed when Mr. Hastings should think fit. He employed it, he says, for the Mahratta expedition. Now, he began that letter on the 29th of November, by telling you that the bribe would not have been taken from Cheit Sing, if it had not been at the instigation of an exigency, which it seems required a supply of money to be procured lawfully or unlawfully. But in fact there was no exigency for it before the Berar army came upon the borders of the country; that army which he invited by his careless conduct towards the Rajah of Berar, and whose hostility he was obliged to buy off by a sum of money: and yet this bribe was taken from

Cheit Sing long before he had this occasion for it. The fund lay in Gunga Govin Sing's hands; and he afterwards applied to that purpose a part of this fund, which he must have taken without any view whatever to the Company's interest. This pretence of the exigency of the Company's affairs is the more extraordinary because the first receipt of these monies was some time in the year 1779 (I have not got the exact date of the agreement): and it was but a year before that the Company was so far from being in distress that he declared he should have, at very nearly the period when this bribe became payable, a very large sum (I do not recollect the precise amount) in their treasury. I cannot certainly tell when the cabooleat, or agreement, was made, yet I shall lay open something very extraordinary upon that subject, and will lead you step by step to the bloody scenes of Debi Sing. Whilst, therefore, Mr. Hastings was carrying on these transactions, he was carrying them on without any reference to the pretended object to which he afterwards applied them. It was an old premeditated plan; and the money to be received could not have been designed for an exigency, because it was to be paid by monthly instalments. The case is the same with respect to the other caboolcats. It could not have been any momentary exigence which he had to provide for by these sums of money; they were paid regularly, period by period, as a constant uniform income to Mr. Hastings.

You find, then, Mr. Hastings first leaving this sum of money for a year and three months in the hands of Gunga Govin Sing; you find that when an exigence pressed him, by the Mahrattas suddenly invading Bengal, and he was obliged to refer to his bribe-fund, he finds that fund empty, and that in supplying money for this exigence, he takes a bond for two-thirds of his own money and one-third of the Company's. For, as I stated before, Mr. Larkins proves of one of these accounts, that he took in the month of January for this bribe-money, which, according to the principles he lays down, was the Company's money, three bonds as for money advanced from his own cash. Now this sum of three lacks, instead of being all his own, as it should appear to be in the month of January when he took the bonds; or two-thirds his own and one-third the Company's, as he said in his letter of the 29th of November; turns out by Mr. Lark-

ins's account, paragraph 9, which I wish to mark to your lordships, to be two-thirds the Company's money and one-third his own: and yet it is all confounded under bonds, as if the money had been his own. What can you say to this heroic sharper disguised under the name of a patriot, when you find him to be nothing but a downright cheat, first taking money under the Company's name, then taking their securities to him for their own money, and afterwards entering a false account of them; contradicting that by another account; and God knows whether the third be true or false? These are not things that I am to make out by any conclusion of mine; here they are, made out by himself and Mr. Larkins, and comparing them with his letter of the 27th you find a gross fraud covered by a direct falsehood.

We have now done with Mr. Larkins's account of the bonds; and are come to the other species of Mr. Hastings's frauds (for there is a great variety in them), and first to Cheit Sing's bribe. Mr. Larkins came to the knowledge of the bond-money through Gunga Govin Sing and through Cantoo Baboo; of this bribe he was not in the secret originally, but was afterwards made a confidant in it: it was carried to him; and the account he gives of it I will state to your lordships. "The fourth sum stated in Mr. Hastings's account was the produce of sundry payments made to me by Sadamund, Cheit Sing's buxey, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Crofts, either on the same night or early in the morning after: they were made at different times, and I well remember that the same people never came twice. On the 21st June, 1780, Mr. Hastings sent for me, and desired that I would take charge of a present that had been offered to him by Cheit Sing's buxey, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expenses of the war; but really in the hope of its inducing Mr. Hastings to give up that claim; with which view the present first had been offered. Mr. Hastings declared that, although he would not take this for his own use, he would apply it to that of the Company, in removing Mr. Francis's objections to the want of a fund for defraying the extra expenses of Colonel Camac's detachment. On my return to

the office, I wrote down the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it that he had then done so at my request. He was not further informed of my motive for this, than merely that it contained the substance of a conversation which had passed between me and another gentleman, which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to adduce the memorandum then made of it, in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet, as I have wrote this representation under the most scrupulous adherence to what I conceived to be truth, should it ever become necessary to refer to this paper, I am confident that it will not be found to differ materially from the substance of this representation."

I forgot to mention, that besides these two bonds which Mr. Hastings declared to be the Company's, and one bond his own, that he slipped into the place of the bond of his own a much better; namely, a bond of November, which he never mentioned to the Company till the 22nd of May; and this bond for current rupees one lack, 74,000, or sicca rupees 1,50,000, was taken for the payment stated in the paper No. 1 to have been made to Mr. Crofts on the 11th Augun, 1187, which corresponds to the 23rd of November, 1780. This is the Nuddea money, and this is all that you know of it; you know that this money, for which he had taken this other bond from the Company, was not his own neither, but bribes taken from the other provinces.

I am ashamed to be troublesome to your lordships in this dry affair, but the detection of fraud requires a good deal of patience and assiduity, and we cannot wander into anything that can relieve the mind; if it was in my power to do it, I would do it. I wish, however, to call your lordships' attention to this last bribe, before I quit these bonds. Such is the confusion, so complicated, so intricate are these bribe accounts, that there is always something left behind, glean never so much from the paragraphs of Mr. Hastings and Mr. Larkins. I could not bring them to account, says Mr. Larkins. They were received before the 1st and 2nd of

October. Why does not the running treasury account give an account of them? The committee of the House of Commons examined whether the running treasury account had any such account of sums deposited: no such thing; they are said by Mr. Hastings to be deposited in June; they were not deposited in October, nor any account of them given till the January following. "These bonds (says he) I could not enter them as regular money to be entered on the Company's account, or in any public way, until I had had an order of the Governor-General and council." But why had not you an order of the Governor-General and council? We are not calling on you, Mr. Larkins, for an account of your conduct: we are calling upon Mr. Hastings for an account of his conduct, and which he refers to you to explain. Why did not Mr. Hastings order you to carry them to the public account; "because (says he) there was no other way." Every one who knows anything of a treasury or public banking-place knows, that if any person brings money as belonging to the public, that the public accountant is bound, no doubt, to receive it, and enter it as such: "but (says he) I could not do it until the account could be settled, as between debtor and creditor: I did not do it till I could put on one side durbar charges, secret service, to such an amount; and balance that again with bonds to Mr. Hastings:" that is, he could not make an entry regularly in the Company's books until Mr. Hastings had enabled him to commit one of the grossest frauds and violations of a public trust that ever was committed, by ordering that money of the Company's to be considered as his own, and a bond to be taken as a security for it from the Company, as if it was his own.

But to proceed with this deposit. What is the substance of Mr. Larkins's explanation of it? The substance of this explanation is, that here was a bribe received by Mr. Hastings from Cheit Sing, guarded with such scrupulous secrecy, that it was not carried to the house of Mr. Crofts, who was to receive it finally, but to the house of Mr. Larkins, as a less suspected place; and that it was conveyed in various sums, no two people ever returning twice with the various payments which made up that sum of £23,000 or thereabouts. Now do you want an instance of prevarication

and trickery in an account? If any person should inquire whether £23,000 had been paid by Cheit Sing to Mr. Hastings, there was not any one man living, or any person concerned in the transaction, except Mr. Larkins, who received it, that could give an account of how much he received, or who brought it. As no two people are ever his confidants in the same transaction in Mr. Hastings's accounts, so here no two people are permitted to have any share whatever in bringing the several fragments that make up this sum. This bribe, you might imagine, would have been entered by Mr. Larkins to some public account, at least to the fraudulent account of Mr. Hastings. No such thing; it was never entered till the November following. It was not entered till Mr. Francis had left Calcutta. All these corrupt transactions were carried on privately by Mr. Hastings alone, without any signification to his colleagues of his carrying on this patriotic traffic, as he called it. Your lordships will also consider both the person who employs such a fraudulent accountant, and his ideas of his duty in his office. These are matters for your lordships' grave determination; but I appeal to you, upon the face of these accounts, whether you ever saw anything so gross; and whether any man could be daring enough to attempt to impose upon the credulity of the weakest of mankind, much more to impose upon such a court as this, such accounts as these are.

If the Company had a mind to inquire what is become of all the debts due to them, and where is the cabooleat, he refers them to Gunga Govin Sing. Give us (say they) an account of this balance that remains in your hands; I know (says he) of no balance. Why, is not there a cabooleat; where is it; what are the date and circumstances of it? There is no such cabooleat existing. This is the case even where you have the name of the person through whose hands the money passed. But suppose the inquiry went to the payments of the Patna cabooleat; Here (they say) we find half the money due; out of £40,000 there is only £20,000 received; give us some account of it. Who is to give an account of it? Here there is no mention made of the name of the person who had the cabooleat: whom can they call upon? Mr. Hastings does not remember; Mr. Larkins does not tell; they can learn nothing about it. If

the directors had a disposition, and were honest enough to the proprietors and the nation, to inquire into it, there is not a hint given by either of those persons, who received the Nuddea, who received the Patna, who received the Dinagepore peshcush.

But in what court can a suit be instituted, and against whom, for the recovery of this balance of £40,000 out of £95,000? I wish your lordships to examine strictly this account, to examine strictly every part, both of the account itself and Mr. Larkins's explanation: compare them together, and divine, if you can, what remedy the Company could have for their loss. Can your lordships believe that this can be any other than a systematical, deliberate fraud, grossly conducted? I will not allow Mr. Hastings to be the man he represents himself to be: he was supposed to be a man of parts; I will only suppose him to be a man of mere common sense. Are these the accounts we should expect from such a man? And yet he and Mr. Larkins are to be magnified to heaven for great financiers; and this is to be called book-keeping. This is the Bengal account saved so miraculously on the 22nd of May.

Next comes the Persian account. You have heard of a present, to which it refers. It has been already stated, but it must be a good deal further explained. Mr. Larkins states that this account was taken from a paper, of which three lines, and only three lines, were read to him by a Persian moonshee; and it is not pretended that this was the whole of it. The three lines read are as follows:—"From the Nabob (meaning the Nabob of Oude) to the Governor-General, six lacks, £60,000. From Hussein Reza Khân and Hyder Beg Khân to ditto, three lacks, £30,000; and ditto to Mrs. Hastings, one lack, £10,000."

Here, I say, are the three lines that were read by a Persian moonshee. Is he a man you can call to account for these particulars? No; he is an anonymous moonshee: his name is not so much as mentioned by Mr. Larkins, nor hinted at by Mr. Hastings; and you find these sums, which Mr. Hastings mentions as a sum in gross given to himself, are not so. They were given by three persons; one six lacks was given by the Nabob to the Governor; another of three lacks more by Hussein Reza Khân; and a third, one

lack, by both of them clubbing, as a present to Mrs. Hastings. This is the first discovery that appears of Mrs. Hastings having been concerned in receiving presents for the Governor-General and others, in addition to Gunga Govin Sing, Cantoo Baboo, and Mr. Crofts. Now, if this money was not received for the Company, is it proper and right to take it from Mrs. Hastings? Is there honour and justice in taking from a lady a gratuitous present made to her? Yet Mr. Hastings says he has applied it all to the Company's service. He has done ill in suffering it to be received at all, if she has not justly and properly received it. Whether in fact she ever received this money at all, she not being upon the spot, as I can find, at the time (though, to be sure, a present might be sent her), I neither affirm nor deny, further than that, as Mr. Larkins says, there was a sum of £10,000 from these ministers to Mrs. Hastings. Whether she ever received any other money than this, I also neither affirm nor deny. But, in whatever manner Mrs. Hastings received this or any other money, I must say, in this grave place in which I stand, that if the wives of Governors-General, the wives of presidents of council, the wives of the principal officers of the India Company, through all the various departments, can receive presents, there is an end of the covenants, there is an end of the act of parliament, there is an end to every power of restraint. Let a man be but married, and if his wife may take presents, that moment the acts of parliament, the covenants, and all the rest expire! There is something too in the manners of the East that makes this a much more dangerous practice. The people of the East, it is well known, have their zenana, the apartment for their wives, as a sanctuary which nobody can enter—a kind of holy of holies—a consecrated place, safe from the rage of war, safe from the fury of tyranny. The rapacity of man has here its bounds: here you shall come and no farther. But, if English ladies can go into these zenanas, and there receive presents, the natives of Hindostan cannot be said to have anything left of their own. Every one knows that in the wisest and best time of the commonwealth of Rome, towards the latter end of it (I do not mean the best time for morals, but the best for its knowledge how to correct evil government, and to choose the proper means for it), it was an established

rule that no governor of a province should take his wife along with him into his province, wives not being subject to the laws in the same manner as their husbands: and though I do not impute to any one any criminality here, I should think myself guilty of a scandalous dereliction of my duty, if I did not mention the fact to your lordships. But I press it no further: here are the accounts, delivered in by Mr. Larkins at Mr. Hastings's own requisition.

The three lines which were read out of a Persian paper are followed by a long account of the several species in which this present was received, and converted by exchange into one common standard. Now, as these three lines of paper, which are said to have been read out of a Persian paper, contain an account of bribes to the amount of £100,000, and as it is not even insinuated that this was the whole of the paper, but rather the contrary indirectly implied, I shall leave it for your lordships in your serious consideration to judge what mines of bribery that paper might contain. For why did not Mr. Larkins get the whole of that paper read and translated? The moment any man stops in the midst of an account, he is stopping in the midst of a fraud.

My lords, I have one further remark to make upon these accounts. The cabooleats, or agreements for the payments of these bribes, amount, in the three specified provinces, to £95,000. Do you believe that these provinces were thus particularly favoured? Do you think that they were chosen as a little demesne for Mr. Hastings? That they were the only provinces honoured with his protection, so far as to take bribes from them? Do you perceive anything in their local situation that should distinguish them from other provinces of Bengal? What is the reason why Dinagepore, Patna, Nuddea should have the post of honour assigned them? What reason can be given for not taking bribes also from Burdwan, from Bishanpore, in short, from all the sixty-eight collections which comprise the revenues of Bengal, and for selecting only three? How came he, I say, to be so wicked a servant, that, out of sixty-eight divisions, he chose only three to supply the exigencies of the Company? He did not do his duty in making this distinction, if he thought that bribery was the best way of supplying the Company's treasury, and that it formed the most useful and effectual re-

source for them; which he has declared over and over again. Was it right to lay the whole weight of bribery, extortion, and oppression upon those three provinces, and neglect the rest? No; you know, and must know, that he who extorts from three provinces will extort from twenty, if there are twenty. You have a standard, a measure of extortion, and that is all; *ex pede Herculem:* guess from thence what was extorted from all Bengal. Do you believe he could be so cruel to these provinces, so partial to the rest, as to charge them with that load, with £95,000, knowing the heavy oppression they were sinking under, and leave all the rest untouched? You will judge of what is concealed from us by what we have discovered through various means, that have occurred in consequence both of the guilty conscience of the person who confesses the fact with respect to these provinces, and of the vigour, perseverance, and sagacity of those who have forced from him that discovery. It is not therefore for me to say that the £100,000 and £95,000 only were taken. Where the circumstances entitle me to go on, I must not be stopped, but at the boundary where human nature has fixed a barrier.

You have now before you the true reason why he did not choose that this affair should come before a court of justice. Rather than this exposure should be made, he to-day would call for the mountains to cover him: he would prefer an inquiry into the business of the three seals; into anything foreign to the subject I am now discussing, in order to keep you from the discovery of that gross bribery, that shameful peculation, that abandoned prostitution and corruption, which he has practised with indemnity and impunity to this day, from one end of India to the other.

At the head of the only account we have of these transactions stands Dinagepore; and it now only remains for me to make some observations upon Mr. Hastings's proceedings in that province. Its name, then, and that money was taken from it, is all that appears; but from whom, by what hands, by what means, under what pretence it was taken, he has not told you; he has not told his employers. I believe, however, I can tell from whom it was taken: and I believe it will appear to your lordships that it must have been taken from the unhappy Rajah of Dinagepore: and I shall in a very

few words state the circumstances attending and the service performed for it: from these you will be able to form a just opinion concerning this bribe.

Dinagepore, a large province, was possessed by an ancient family, the last of which, about the year 1184 of their era, the Rajah Bijanaut, had no legitimate issue. When he was at the point of death, he wished to exclude from the succession to the zemindary his half brother, Cantoo Naut, with whom he had lived upon ill terms for many years, by adopting a son. Such an adoption, when a person has a half brother, as he had, in my poor judgment, is not countenanced by the Gentoo laws. But Gunga Govin Sing, who was placed by the office he held at the head of the registry, where the records were kept, by which the rules of succession according to the custom of the country are ascertained, became master of these Gentoo laws; and through his means Mr. Hastings decreed in favour of the adoption. We find, that immediately after this decree Gunga Govin Sing received a cabooleat on Dinagepore for the sum of £40,000, of which it appears that he has actually exacted £30,000, though he has paid to Mr. Hastings only £20,000. We find, before the young Rajah had been in possession a year, his natural guardians and relations, on one pretence or another, all turned out of their offices. The peshcush, or fixed annual rent payable to the Company for his zemindary, fell into arrear, as might naturally be expected, from the Rajah's inability to pay both his rent and this exorbitant bribe, extorted from a ruined family. Instantly, under pretext of this arrearage, Gunga Govin Sing and the fictitious committee which Mr. Hastings had made for his wicked purposes, composed of Mr. Anderson, Mr. Shore, and Mr. Crofts, who were but the tools, as they tell us themselves, of Gunga Govin Sing, gave that monster of iniquity, Debi Sing, the government of this family. They put this noble infant, this miserable Rajah, together with the management of the provinces of Dinagepore and Rungpore, into his wicked and abominable hands; where the ravages he committed excited what was called a rebellion, that forced him to fly from the country, and into which I do not wonder he should be desirous that a political and not a juridical inquiry should be made. The savage barbarities which were there perpetrated I have already, in the

execution of my duty, brought before this House and my country: and it will be seen, when we come to the proof, whether what I have asserted was the effect either of a deluded judgment or disordered imagination; and whether the facts I state cannot be substantiated by authentic reports, and were none of my invention; and lastly, whether the means that were taken to discredit them do not infinitely aggravate the guilt of the offenders. Mr. Hastings wanted to fly from judicial inquiry; he wanted to put Debi Sing anywhere but in a court of justice. A court of justice, where a direct assertion is brought forward, and a direct proof applied to it, is an element in which he cannot live for a moment. He would seek refuge anywhere, even in the very sanctuary of his accusers, rather than abide a trial with him in a court of justice: but the House of Commons was too just not to send him to this tribunal, whose justice they cannot doubt, whose penetration he cannot elude, and whose decision will justify those managers whose characters he attempted to defame.

But this is not all. We find that after the cruel sale of this infant, who was properly and directly under the guardianship of the Company (for the Company acts as steward and dewan of the province, which office has the guardianship of minors), after he had been robbed of £40,000 by the hands of Gunga Govin Sing, and afterwards, under pretence of his being in debt to the Company, delivered into the hands of that monster, Debi Sing, Mr. Hastings, by way of anticipation of these charges, and in answer to them, has thought proper to produce the certificate from this unfortunate boy, which I will now again read to you:—

"I, Radanaut, zemindar of Purgunnah Haveley, Penjuna, &c., commonly called Dinagepore:—As it has been learnt by me, the muttesudies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esq., full of circumspection and

caution, civility and justice, superior to the caution of the most learned; and by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England: That Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandmen and justice; no inhabitant ever experienced afflictions, no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behaviour, never permitting one of us to sink in the pit of despondence. He supported every one by his goodness; overset the designs of evil-minded men by his authority; tied the hands of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us: he reëstablished justice and impartiality. We were, during his government, in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rights, and guard them against every kind of accident and injury; and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My lords, this Radanaut, zemindar of the purgunnah, who, as your lordships hear, bears evidence upon oath to all the great and good qualities of the Governor, and particularly to his absolute freedom from covetousness; this person, to whom Mr. Hastings appeals, was, as the committee state, a boy between five and six years old at the time when he was given into the hands of Debi Sing; and when Mr. Hastings left Bengal, which was in 1786, was between eleven and twelve years old! This is the sort of testimony that Mr. Hastings produces, to prove that he was clear from all sort of extortion, oppression, and covetousness, in this

very zemindary of Dinagepore. This boy, who is so observant, who is so penetrating, who is so accurate in his knowledge of the whole government of Mr. Hastings, was, I say, when he left his government, at the utmost, but eleven years and a half old. Now, to what an extremity is this unhappy man at your bar driven, when oppressed by this accumulative load of corruption charged upon him, and seeing his bribery, his prevarication, his fraudulent bonds brought before you, he gives the testimony of this child, who for the greatest part of his time lived 300 miles from the seat of Mr. Hastings's government. Consider the miserable situation of this poor unfortunate boy, made to swear, with all the solemnities of his religion, that Mr. Hastings was never guilty in his province of any act of rapacity. Such are the testimonies which are there called rozannammas, in favour of Mr. Hastings, with which all India is said to sound. Do we attempt to conceal them from your lordships? No, we bring them forth to show you the wickedness of the man, who, after he has robbed innocence, after he has divided the spoil between Gunga Govin Sing and himself, gets the party robbed to perjure himself for his sake, if such a creature is capable of being guilty of perjury. We have another rozannamma sent from Nuddea, by a person nearly under the same circumstances with Radanaut, namely, Maha Rajah Dheraja Scolbrûnd Bahadre, only made to differ in some expressions from the former, that it might not appear to originate from the same hand. These miserable rozannammas he delivers to you as the collected voice of the country, to show how ill-founded the impressions are which committees of the House of Commons (for to them they allude, I suppose) have taken concerning this man, during their inquiries into the management of the affairs of the Company in India.

Before I quit this subject, I have only to give you the opinion of Sir Elijah Impey, a name consecrated to respect for ever (your lordships know him in this House as well as I do), respecting these petitions and certificates of good behaviour:—

"From the reasons and sentiments that they contain, &c.

[*This document cannot be found.*]

The moment an Englishman appears, as this gentleman does in the province of Dinagepore, to collect certificates for Mr. Hastings, it is a command for them, the people, to say what he pleases.

And here, my lords, I would wish to say something of the miserable situation of the people of that country; but it is not in my commission, and I must be silent; and shall only request your lordships to observe how this crime of bribery grows in its magnitude. First, the bribe is taken, through Gunga Govin Sing, from this infant, for his succession to the zemindary. Next follows the removal from their offices, and consequent ruin, of all his nearest natural relations. Then the delivery of the province to Debi Sing, upon the pretence of the arrears due to the Company, with all the subsequent horrors committed under the management of that atrocious villain. And lastly, the gross subornation of perjury in making this wretched minor, under twelve years of age, bear testimony, upon oath, to the good qualities of Mr. Hastings and of his government; this minor, I say, who lived 300 miles from the seat of his government, and who, if he knew anything at all of his own affairs, must have known that Mr. Hastings was the cause of all his sufferings.

My lords, I have now gone through the whole of what I have in charge. I have laid before you the covenants by which the Company have thought fit to guard against the avarice and rapacity of their governors. I have shown that they positively forbid the taking of all sorts of bribes and presents: and I have stated the means adopted by them for preventing the evasion of their orders, by directing, in all money transactions, the publicity of them. I have further shown, that in order to remove every temptation to a breach of their orders, the next step was the framing a legal fiction, by which presents and money, under whatever pretence taken, were made the legal property of the Company, in order to enable them to recover them out of any rapacious hands that might violate the new act of parliament. I have also stated this act of parliament. I have stated Mr. Hastings's sense of it. I have stated the violation of it by his taking bribes from all quarters. I have stated the fraudulent bonds by which he claimed a security for money as his own which belonged to the Company. I have stated the series

of frauds, prevarications, concealments, and all that mystery of iniquity, which I waded through with pain to myself, I am sure, and with infinite pain, I fear, to your lordships. I have shown your lordships, that his evasions of the clear words of his covenant, and the clear words of an act of parliament, were such as did not arise from an erroneous judgment, but from a corrupt intention: and, I believe, you will find that his attempt to evade the law aggravates infinitely his guilt in breaking it. In all this I have only *opened* to you the package of this business; I have opened it to ventilate it, and give air to it: I have opened it that a quarantine might be performed; that the sweet air of heaven, which is polluted by the poison it contains, might be let loose upon it, and that it may be aired and ventilated before your lordships touch it. Those who follow me will endeavour to explain to your lordships what Mr. Hastings has endeavoured to involve in mystery, by bringing proof after proof that every bribe that was here concealed was taken with corrupt purposes, and followed with the most pernicious consequences. These are things which will be brought to you in proof. I have only regarded the system of bribery: I have endeavoured to show that it is a system of mystery and concealment; and, consequently, a system of fraud.

You now see some of the means by which fortunes have been made by certain persons in India; you see the confederacies they have formed with one another for their mutual concealment and mutual support; you will see how they reply to their own deceitful inquiries by fraudulent answers; you will see that Cheltenham calls upon Calcutta, as one deep calls upon another; and that the call which is made for explanation is answered in mystery: in short, you will see the very constitution of their minds here developed.

And now, my lords, in what a situation are we all placed? This prosecution of the Commons (I wish to have it understood, and I am sure I shall not be disclaimed in it) is a prosecution not only for the punishing a delinquent, a prosecution not merely for preventing this and that offence, but it is a great censorial prosecution, for the purpose of preserving the manners, characters, and virtues that characterize the people of England. The situation in which we stand is dreadful. These people pour in upon us every day. They

not only bring with them the wealth which they have acquired, but they bring with them into our country the vices by which it was acquired. Formerly the people of England were censured, and perhaps properly, with being a sullen, unsocial, cold, unpleasant race of men, and as inconstant as the climate in which they are born. These are the vices which the enemies of the kingdom charged them with; and people are seldom charged with vices of which they do not in some measure partake. But nobody refused them the character of being an open-hearted, candid, liberal, plain, sincere people; qualities which would cancel a thousand faults, if they had them.

But if, by conniving at these frauds, you once teach the people of England a concealing, narrow, suspicious, guarded conduct: if you teach them qualities directly the contrary to those by which they have hitherto been distinguished: if you make them a nation of concealers, a nation of dissemblers, a nation of liars, a nation of forgers; my lords, if you, in one word, turn them into a people of *banyans*, the character of England, that character which more than our arms and more than our commerce has made us a great nation, the character of England will be gone and lost.

Our liberty is as much in danger as our honour and our national character. We, who here appear representing the Commons of England, are not wild enough not to tremble, both for ourselves and for our constituents, at the effect of riches: "*Opum metuenda potestas.*" We dread the operation of money. Do we not know that there are many men who wait, and who indeed hardly wait, the event of this prosecution to let loose all the corrupt wealth of India, acquired by the oppression of that country, for the corruption of all the liberties of this, and to fill the parliament with men who are now the object of its indignation? To-day the Commons of Great Britain prosecute the delinquents of India.—To-morrow the delinquents of India may be the Commons of Great Britain. We know, I say, and feel the force of money; and we now call upon your lordships for justice in this cause of money. We call upon you for the preservation of our manners,—of our virtues. We call upon you for our national character. We call upon you for our liberties; and hope

that the freedom of the Commons will be preserved by the justice of the lords.

*** In this article Mr. Burke was supported on the 16th of February, 1790, by Mr. Anstruther, who opened the remaining part of the sixth article, and part of the seventh article, and the evidence was summed up and enforced by him.—The rest of the evidence upon the sixth, and on part of the seventh, eighth, and fourteenth articles, were respectively opened and enforced by Mr. Fox and other of the managers, on the 7th and 9th of June, in the same session.

On the 23rd of May, 1791, Mr. St. John opened the fourth article of charge; and evidence was heard in support of the same. In the following sessions of 1792, Mr. Hastings's counsel were heard in his defence, which was continued through the whole of the sessions of 1793.

On the 5th of March, 1794, a select committee was appointed by the House of Commons to inspect the Lords' Journals, in relation to their proceeding on the trial of Warren Hastings, Esq., and to report what they found therein to the House (which committee were the managers appointed to make good the articles of impeachment against the said Warren Hastings, Esq.); and who were afterwards instructed to report the several matters which had occurred since the commencement of the prosecution, and which had, in their opinion, contributed to the duration thereof to that time, with their observations thereupon.—On the 30th of April, the following Report, written by Mr. Burke, and adopted by the committee, was presented to the House of Commons, and ordered by the House to be printed.—EDIT.

ADVERTISEMENT.

The account which is here given of what passed in the House of Lords and in the House of Commons, relative to the Report of the Committee of the Commons appointed to inspect the Journals of the Lords, was through inadvertency omitted to be published together with that Report at the end of the Seventh Volume.[1]

THE preceding Report was ordered to be printed for the use of the members of the House of Commons, and was soon afterwards reprinted and published in the shape of a pamphlet, by a London bookseller. In the course of a debate which took place in the House of Lords on Thursday, the 22nd of May, 1794, on the Treason and Sedition Bills, Lord Thurlow took occasion to mention "a pamphlet which his lordship said was published by one Debrett, of Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and many members of that house; this pamphlet was, he said, scandalous and indecent, and such as he thought ought not to pass unnoticed. He considered the villifying and misrepresenting the conduct of judges and magistrates entrusted with the administration of justice and the laws of the country to be a crime of a very heinous nature, and most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and that when it was stated to the ignorant or the wicked

[1] Vol. vi. p. 423 of the present Edition.

that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for and obedience to the laws themselves, by teaching them to think ill of those who administered them." On the next day Mr. Burke called the attention of the House of Commons to this matter, in a speech to the following effect:

"Mr. Speaker,

"The license of the present times makes it very difficult for us to talk upon certain subjects in which parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity and wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals out of doors, with impunity, almost ever since I came into parliament. By usage the people have obtained something like a prescriptive right to this abuse. I do not justify it; but the abuse is now grown so inveterate that to punish it without previous notice would have an appearance of hardship, if not injustice. The publications I allude to are frequently erroneous as well as irregular, but they are not always so; what they give as the reports and resolutions of this House have sometimes been given correctly. And it has not been uncommon to attack the proceedings of the House itself under colour of attacking these irregular publications. Notwithstanding however this colourable plea, this House has in some instances proceeded to punish the persons who have thus insulted it. You will here too remark, sir, that when a complaint is made of a piratical edition of a work, the authenticity of the original work is admitted, and whoever attacks the matter of the work itself in these unauthorized publications does not attack it less than if he had attacked it in an edition authorized by the writer.

"I understand, sir, that in a place which I greatly respect, and by a person for whom I have likewise a great veneration, a pamphlet, published by a Mr. Debrett, has been very heavily censured. That pamphlet, I hear (for I have not read it), purports to be a report made by one of your committees to this House. It has been censured (as I am told) by the person and in the place I have mentioned, in very harsh and very unqualified terms. It has been there said (and so

far very truly) that at all times, and particularly at this time, it is necessary for the preservation of order and the execution of the law that the characters and reputation of the judges of the courts in Westminster Hall should be kept in the highest degree of respect and reverence: and that in this pamphlet, described by the name of a libel, the characters and conduct of those judges upon a late occasion have been aspersed as arising from ignorance or corruption.

"Sir, combining all the circumstances, I think it impossible not to suppose that this speech does not reflect upon a Report which, by an order of the committee on which I served, I had the honour of presenting to this House. For anything improper in that report I am responsible, as well as the members of the committee, to this House, and to this House only. The matters contained in it and the observations upon them are submitted to the wisdom of the House, that you may act upon both in the time and manner that to your judgment may seem most expedient; or that you may not act upon them at all, if you should think that most expedient for the public good. Your committee has obeyed your orders; it has done its duty in making that Report.

"I am of opinion, with the eminent person by whom that Report is censured, that it is necessary at this time very particularly that the authority of judges should be preserved and supported. This however does not depend so much upon us as upon themselves. It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends in part upon ourselves. It is necessary to preserve the respect due to the House of Lords; it is full as necessary to preserve the respect due to the House of Commons, upon which (whatever may be thought of us by some persons) the weight and force of all other authorities within this kingdom essentially depend. If the power of the House of Commons be degraded or enervated, no other can stand. We must be true to ourselves. We ought to animadvert upon any of our members who abuse the trust we place in them; we must support those who, without regard to consequences, perform their duty

"With regard to the matter which I am now submitting to your consideration, I must say for your committee of managers and for myself, that the Report was deliberately

made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any person or persons whatever. It does not accuse the judges of ignorance or corruption. Whatever it says, it does not say calumniously. That kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The Report states that the judges had given their opinions secretly, contrary to the almost uninterrupted tenor of parliamentary usage on such occasions. It states that the mode of giving the opinions was unprecedented and contrary to the privileges of the House of Commons. It states that the committee did not know upon what rules and principles the judges had decided upon those cases, as they neither heard their opinions delivered, nor have found them entered upon the journals of the House of Lords. It is very true that we were and are extremely dissatisfied with those opinions, and the consequent determinations of the Lords; and we do not think such a mode of proceeding at all justified by the most numerous and the best precedents. None of these sentiments is the committee, as I conceive (and I feel as little as any of them), disposed to retract or to soften in the smallest degree.

"The Report speaks for itself. Whenever an occasion shall be regularly given to maintain everything of substance in that paper, I shall be ready to meet the proudest name for ability, learning, or rank, that this kingdom contains, upon that subject. Do I say this from any confidence in myself? Far from it. It is from my confidence in our cause, and in the ability, the learning, and the constitutional principles which this House contains within itself, and which I hope it will ever contain; and in the assistance which it will not fail to afford to those who with good intention do their best to maintain the essential privileges of the House, the ancient law of parliament, and the public justice of this kingdom."

No reply or observation was made on the subject by any other member, nor was any further notice taken of it in the House of Lords.

TRIAL OF WARREN HASTINGS, ESQUIRE.

WEDNESDAY, 28TH MAY, 1794.

FIRST DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—This business, which has so long employed the public councils of this kingdom, so long employed the greatest and most august of its tribunals, now approaches to a close. The wreck and fragments of our cause (which has been dashed to pieces upon rules by which your lordships have thought fit to regulate its progress) await your final determination. Enough, however, of the matter is left to call for the most exemplary punishment that any tribunal ever inflicted upon any criminal; and yet, my lords, the prisoner, by the plan of his defence, demands not only an escape, but a triumph. It is not enough for him to be acquitted, the Commons of Great Britain must be condemned; and your lordships must be the instruments of his glory, and of our disgrace. This is the issue upon which he has put this cause, and the issue upon which we are obliged to take it now, and to provide for it hereafter.

My Lords, I confess that at this critical moment I feel myself oppressed with an anxiety that no words can adequately express. The effect of all our labours, the result of all our inquiries, is now to be ascertained. You, my lords, are now to determine, not only whether all these labours have been vain and fruitless, but whether we have abused so long the public patience of our country, and so long oppressed merit, instead of avenging crime. I confess I tremble when I consider that your judgment is now going to be passed, not on the culprit at your bar, but upon the House of Commons itself, and upon the public justice of this kingdom, as repre-

sented in this great tribunal. It is not that culprit who is upon trial, it is the House of Commons that is upon its trial, it is the House of Lords that is upon its trial, it is the British nation that is upon its trial before all other nations, before the present generation, and before a long, long posterity.

My lords, I should be ashamed if at this moment I attempted to use any sort of rhetorical blandishments whatever. Such artifices would neither be suitable to the body that I represent, to the cause which I sustain, or to my own individual disposition upon such an occasion. My lords, we know very well what these fallacious blandishments too frequently are. We know that they are used to captivate the benevolence of the court, and to conciliate the affections of the tribunal rather to the person than to the cause. We know that they are used to stifle the remonstrances of conscience in the judge, and to reconcile it to the violation of his duty. We likewise know that they are too often used in great and important causes (and more particularly in causes like this) to reconcile the prosecutor to the powerful factions of a protected criminal, and to the injury of those who have suffered by his crimes; thus inducing all parties to separate in a kind of good humour, as if they had nothing more than a verbal dispute to settle, or a slight quarrel over a table to compromise. All this may now be done at the expense of the persons whose cause we pretend to espouse. We may all part, my lords, with the most perfect complacency and entire good humour towards one another, while nations, whole suffering nations, are left to beat the empty air with cries of misery and anguish, and to cast forth to an offended heaven the imprecations of disappointment and despair.

One of the counsel for the prisoner (I think it was one who has comported himself in this cause with decency) has told your lordships that we have come here on account of *some doubts* entertained in the House of Commons concerning the conduct of the prisoner at your bar; that we shall be extremely delighted when his defence and your lordships' judgment shall have set him free, and shall have discovered to us our error; that we shall then mutually congratulate one another, and that the Commons, and the managers who represent them here, will be the first to rejoice in so happy an event and so fortunate a discovery.

Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times further from them, as far as from pole to pole, be the whole tribe of false, spurious, affected, counterfeit, hypocritical virtues. These are the things which are ten times more at war with real virtue, these are the things which are ten times more at war with real duty, than any vice known by its name, and distinguished by its proper character.

My lords, far from us, I will add, be that false and affected candour that is eternally in treaty with crime; that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is to a just man's eye an odious and disgusting thing. There is no middle point in which the Commons of Great Britain can meet tyranny and oppression. No, we never shall (nor can we conceive that we ever should) pass from this bar, without indignation, without rage and despair, if the House of Commons should, upon such a defence as has here been made against such a charge as they have produced, be foiled, baffled, and defeated. No, my lords, we never could forget it; a long, lasting, deep, bitter memory of it would sink into our minds.

My lords, the Commons of Great Britain have no doubt upon this subject. We came hither to call for justice, not to solve a problem; and if justice be denied us, the accused is not acquitted, but the tribunal is condemned. We know that this man is guilty of all the crimes which he stands accused of by us. We have not come here to you in the rash heat of a day, with that fervour which sometimes prevails in popular assemblies and frequently misleads them. No; if we have been guilty of error in this cause, it is a deliberate error; the fruit of long, laborious inquiry; an error founded on a procedure in parliament, before we came here; the most minute, the most circumstantial, and the most cautious that ever was instituted. Instead of coming, as we did in Lord Strafford's case, and in some others, voting the impeachment and bringing it up on the same day, this impeachment was voted from a general sense prevailing in the House of Mr. Hastings's criminality, after an investigation begun in the year 1780, and which produced in 1782 a body of resolutions condemnatory of almost the whole of his conduct. Those resolutions were formed by the Lord Advocate of Scotland, and carried in our House by the unanimous consent of all par-

ties. I mean the then Lord Advocate of Scotland, now one of his Majesty's principal Secretaries of State, and at the head of this very Indian department.

Afterwards, when this defendant came home, in the year 1785, we re-instituted our inquiry. We instituted it, as your lordships and the world know, at his own request made to us by his agent, then a member of our House. We entered into it at large; we deliberately moved for every paper which promised information on the subject. These papers were not only produced on the part of the prosecution, as is the case before grand juries, but the friends of the prisoner produced every document which they could produce for his justification. We called all the witnesses which could enlighten us in the cause, and the friends of the prisoner likewise called every witness that could possibly throw any light in his favour. After all these long deliberations, we referred the whole to a committee. When it had gone through that committee, and we thought it in a fit state to be digested into these charges, we referred the matter to another committee, and the result of that long examination and the labour of these committees is the impeachment now at your bar.

If therefore we are defeated here, we cannot plead for ourselves that we have done this from a sudden gust of passion, which sometimes agitates and sometimes misleads the most grave popular assemblies. No, it is either the fair result of twenty-two year's deliberation that we bring before you, or what the prisoner says is just and true—that nothing but malice in the Commons of Great Britain could possibly produce such an accusation as the fruit of such an inquiry. My lords, we admit this statement, we are at issue upon this point, and we are now before your lordships, who are to determine whether this man has abused his power in India for fourteen years, or whether the Commons have abused their power of inquiry, made a mock of their inquisitorial authority, and turned it to purposes of private malice and revenge. We are not come here to compromise matters, we do admit that our fame, our honours, nay, the very inquisitorial power of the House of Commons, is gone, if this man be not guilty.

My lords, great and powerful as the House of Commons is (and great and powerful I hope it always will remain), yet we cannot be insensible to the effects produced by the intro-

duction of forty millions of money into this country from India. We know that the private fortunes which have been made there pervade this kingdom so universally that there is not a single parish in it unoccupied by the partisans of the defendant. We should fear that the faction which he has thus formed by the oppression of the people of India would be too strong for the House of Commons itself, with all its power and reputation, did we not know that we have brought before you a cause which nothing can resist.

I shall now, my lords, proceed to state what has been already done in this cause, and in what condition it now stands for your judgment.

An immense mass of criminality was digested by a committee of the House of Commons; but although this mass had been taken from another mass still greater, the House found it expedient to select twenty specific charges, which they afterwards directed us their managers to bring to your lordships' bar. Whether that which has been brought forward on these occasions, or that which was left behind, be more highly criminal, I for one, as a person most concerned in this inquiry, do assure your lordships that it is impossible for me to determine.

After we had brought forward this cause (the greatest in extent that ever was tried before any human tribunal, to say nothing of the magnitude of its consequences), we soon found, whatever the reasons might be, without at present blaming the prisoner, without blaming your lordships, and far are we from imputing blame to ourselves,—we soon found that this trial was likely to be protracted to an unusual length. The managers of the Commons, feeling this, went up to their constituents to procure from them the means of reducing it within a compass fitter for their management and for your lordships' judgment. Being furnished with this power, a second selection was made upon the principles of the first; not upon the idea that what we left could be less clearly sustained, but because we thought a selection should be made upon some juridical principle. With this impression on our minds, we reduced the whole cause to four great heads of guilt and criminality. Two of them, namely, Benares and the Begums, show the effects of his open violence and injustice; the other two expose the principles of pecuniary corruption

upon which the prisoner proceeded; one of these displays his passive corruption in receiving bribes, and the other his active corruption, in which he has endeavoured to defend his passive corruption, by forming a most formidable faction both abroad and at home. There is hardly any one act of the prisoner's corruption in which there is not presumptive violence, nor any acts of his violence in which there are not presumptive proofs of corruption. These practices are so intimately blended with each other, that we thought the distribution which we have adopted would best bring before you the spirit and genius of his government; and we were convinced that if upon these four great heads of charge your lordships should not find him guilty, nothing could be added to them which would persuade you so to do.

In this way and in this state the matter now comes before your lordships. I need not tread over the ground which has been trod with such extraordinary abilities by my brother managers, of whom I shall say nothing more, than that the cause has been supported by abilities equal to it; and, my lords, no abilities are beyond it. As to the part which I have sustained in this procedure, a sense of my own abilities, weighed with the importance of the cause, would have made me desirous of being left out of it; but I had a duty to perform which superseded every personal consideration, and that duty was obedience to the House of which I have the honour of being a member. This is all the apology I shall make. We are the Commons of Great Britain, and therefore cannot make apologies. I can make none for my obedience; they want none for their commands. They gave me this office, not from any confidence in my ability, but from a confidence in the abilities of those who were to assist me, and from a confidence in my zeal,—a quality, my lords, which oftentimes supplies the want of great abilities.

In considering what relates to the prisoner and to his defence I find the whole resolves itself into four heads. First, his demeanour and his defence in general; secondly, the principles of his defence; thirdly, the means of that defence; and fourthly, the testimonies which he brings forward to fortify those means, to support those principles, and to justify that demeanour.

As to his demeanour, my lords, I will venture to say that if we fully examine the conduct of all prisoners brought be-

fore this high tribunal, from the time that the Duke of Suffolk appeared before it down to the time of the appearance of my Lord Macclesfield; if we fully examine the conduct of prisoners in every station of life, from my Lord Bacon down to the smugglers who were impeached in the reign of King William, I say, my lords, that we shall not in the whole history of parliamentary trials find anything similar to the demeanour of the prisoner at your bar. What could have encouraged that demeanour, your lordships will, when you reflect seriously upon this matter, consider. God forbid that the authority either of the prosecutor or of the judge should dishearten the prisoner so as to circumscribe the means or enervate the vigour of his defence! God forbid that such a thing should even appear to be desired by any body in any British tribunal! But, my lords, there is a behaviour which broadly displays a want of sense, a want of feeling, a want of decorum; a behaviour which indicates an habitual depravity of mind, that has no sentiments of propriety, no feeling for the relations of life, no conformity to the circumstances of human affairs. This behaviour does not indicate the spirit of injured innocence, but the audacity of hardened, habitual, shameless guilt; affording legitimate grounds for inferring a very defective education, very evil society, or very vicious habits of life. There is, my lords, a nobleness in modesty; while insolence is always base and servile. A man who is under the accusation of his country is under a very great misfortune. His innocence indeed may at length shine out like the sun, yet for a moment it is under a cloud; his honour is in abeyance, his estimation is suspended, and he stands as it were a doubtful person in the eyes of all human society. In that situation, not a timid, not an abject, but undoubtedly a modest behaviour would become a person even of the most exalted dignity and of the firmest fortitude.

The Romans (who were a people that understood the decorum of life as well as we do) considered a person accused to stand in such a doubtful situation, that from the moment of accusation he assumed either a mourning or some squalid garb; although, by the nature of their constitution, accusations were brought forward by one of their lowest magistrates. The spirit of that decent usage has continued from the time of the Romans till this very day. No man was

ever brought before your lordships that did not carry the outward as well as inward demeanour of modesty, of fear, of apprehension, of a sense of his situation, of a sense of our accusation, and a sense of your lordships' dignity.

These, however, are but outward things; they are, as Hamlet says, "things which a man may play." But, my lords, this prisoner has gone a great deal further than being merely deficient in decent humility. Instead of defending himself, he has, with a degree of insolence unparalleled in the history of pride and guilt, cast out a recriminatory accusation upon the House of Commons. Instead of considering himself as a person already under the condemnation of his country, and uncertain whether or not that condemnation shall receive the sanction of your verdict, he ranks himself with the suffering heroes of antiquity. Joining with them, he accuses us, the representatives of his country, of the blackest ingratitude, of the basest motives, of the most abominable oppression, not only of an innocent but of a most meritorious individual, who in your and in our service has sacrificed his health, his fortune, and even suffered his fame and character to be called in question from one end of the world to the other. This, I say, he charges upon the Commons of Great Britain; and he charges it before the Court of Peers of the same kingdom. Had I not heard this language from the prisoner, and afterwards from his counsel, I must confess I could hardly have believed that any man could so comport himself at your lordships' bar.

After stating in his defence the wonderful things he did for us, he says, "I maintained the wars which were of your formation or that of others, *not of mine*. I won one member of the great Indian confederacy from it by an act of seasonable restitution; with another I maintained a secret intercourse, and converted him into a friend; a third I drew off by diversion and negotiation, and employed him as the instrument of peace. When *you* cried out for peace, and your cries were heard by those who were the objects of it, I resisted this and every other species of counteraction, by rising in my demands, and accomplished a peace, and I hope an everlasting one, with one great state; and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least was accomplished with another.

I gave you *all;* and you have rewarded me with *confiscation, disgrace, and a life of impeachment.*"

Comparing our conduct with that of the people of India, he says, "*They* manifested a generosity of which we have no example in the European world. Their conduct was the effect of their sense of gratitude for the benefits they had received from my administration. I wish I could say as much of my own countrymen."

My lords, here then we have the prisoner at your bar in his demeanour not defending himself, but recriminating upon his country; charging it with perfidy, ingratitude, and oppression, and making a comparison of it with the banyans of India, whom he prefers to the Commons of Great Britain.

My lords, what shall we say to this demeanour? With regard to the charge of using him with ingratitude, there are two points to be considered. First, the charge implies that he had rendered great services; and secondly, that he has been falsely accused.

My lords, as to the great services, they have not, they cannot, come in evidence before you. If you have received such evidence, you have received it obliquely; for there is no other direct proof before your lordships of such services than that of there having been great distresses and great calamities in India during his government. Upon these distresses and calamities he has indeed attempted to justify obliquely the corruption that has been charged upon him: but you have not properly in issue these services. You cannot admit the evidence of any such services received directly from him as a matter of recriminatory charge upon the House of Commons, because you have not suffered that House to examine into the validity and merit of this plea. We have not been heard upon this recriminatory charge, which makes a considerable part of the demeanour of the prisoner; we cannot be heard upon it; and therefore I demand on the part of the Commons of Great Britain that it be dismissed from your consideration; and this I demand, whether you take it as an attempt to render odious the conduct of the Commons, whether you take it in mitigation of the punishment due to the prisoner for his crimes, or whether it be adduced as a presumption that so virtuous a servant never could be guilty of the offences with which we charge him. In whichever of

these lights you may be inclined to consider this matter, I say you have it not in evidence before you; and therefore you must expunge it from your thoughts, and separate it entirely from your judgment. I shall hereafter have occasion to say a few words on this subject of *merits*. I have said thus much at present, in order to remove extraneous impressions from your minds. For admitting that your lordships are the best judges, as I well know that you are, yet I cannot say that you are not men, and that matter of this kind, however irrelevant, may not make an impression upon you. It does, therefore, become us to take some occasional notice of these supposed services, not in the way of argument, but with a view by one sort of prejudice to destroy another prejudice. If there is anything in evidence which tends to destroy this plea of merits, we shall recur to that evidence; if there is nothing to destroy it but argument, we shall have recourse to that argument; and if we support that argument by authority and document, not in your lordships' minutes, I hope it will not be the less considered as good argument because it is so supported.

I must now call your lordships' attention from the vaunted services of the prisoner, which have been urged to convict us of ingratitude, to another part of his recriminatory defence. He says, my lords, that we have not only oppressed him with unjust charges (which is a matter for your lordships to judge, and is now the point at issue between us), but that instead of attacking him by fair judicial modes of proceeding, by stating crimes clearly and plainly, and by proving those crimes, and showing their necessary consequences, we have oppressed him with all sorts of foul and abusive language; so much so, that every part of our proceeding has, in the eye of the world, more the appearance of private revenge than of public justice.

Against this impudent and calumnious recriminatory accusation, which your lordships have thought good to suffer him to utter here, at a time too when all dignity is in danger of being trodden under foot, we will say nothing by way of defence. The Commons of Great Britain, my lords, are a rustic people; a tone of rusticity is therefore the proper accent of their managers. We are not acquainted with the urbanity and politeness of extortion and oppression, nor do we

know anything of the sentimental delicacies of bribery and corruption. We speak the language of truth, and we speak it in the plain, simple terms in which truth ought to be spoken. Even if we have anything to answer for on this head, we can only answer to the body which we represent and to that body which hears us; to any others we owe no apology whatever.

The prisoner at your bar admits that the crimes which we charge him with are of that atrocity, that if brought home to him he merits death. Yet when, in pursuance of our duty, we come to state these crimes with their proper criminatory epithets, when we state in strong and direct terms the circumstances which heighten and aggravate them, when we dwell on the immoral and heinous nature of the acts and the terrible effects which such acts produce, and when we offer to prove both the principal facts and the aggravatory ones by evidence, and to show their nature and quality by the rules of law, morality, and policy, then this criminal, then his counsel, then his accomplices and hirelings, posted in newspapers and dispersed in circles through every part of the kingdom, represent him as an object of great compassion; because he is treated, say they, with nothing but opprobrious names and scurrilous invectives.

To all this the managers of the Commons will say nothing by way of defence, it would be to betray their trust if they did. No, my lords, they have another and a very different duty to perform on this occasion. They are bound not to suffer public opinion, which often prevents judgment and often defeats its effects, to be debauched and corrupted. Much less is this to be suffered in the presence of our coördinate branch of legislature, and as it were with your and our own tacit acquiescence. Whenever the public mind is misled, it becomes the duty of the Commons of Great Britain to give it a more proper tone and a juster way of thinking. When ignorance and corruption have usurped the professor's chair, and placed themselves in the seats of science and of virtue, it is high time for us to speak out. We know that the doctrines of folly are of great use to the professors of vice. We know that it is one of the signs of a corrupt and degenerate age, and one of the means of insuring its further corruption and degeneracy, to give mild and lenient epithets

to vices and to crimes. The world is much influenced by names. And as terms are the representatives of sentiments, when persons who exercise any censorial magistracy seem in their language to compromise with crimes and criminals, by expressing no horror of the one or detestation of the other, the world will naturally think that they act merely to acquit themselves in its sight in form, but in reality to evade their duty. Yes, my lords, the world must think that such persons palter with their sacred trust, and are tender to crimes, because they look forward to the future possession of the same power which they now prosecute, and purpose to abuse it in the manner it has been abused by the criminal of whom they are so tender.

To remove such an imputation from us, we assert that the Commons of Great Britain are not to receive instructions about the language which they ought to hold, from the gentlemen who have made profitable studies in the academies of Benares and of Oude. We know, and therefore do not want to learn, how to comport ourselves in prosecuting the haughty and overgrown delinquents of the East. We cannot require to be instructed by them in what words we shall express just indignation at enormous crimes; for we have the example of our great ancestors to teach us. We tread in their steps and we speak in their language.

Your lordships well know, for you must be conversant in this kind of reading, that you once had before you a man of the highest rank in the country, one of the greatest men of the law, and one of the greatest men of this state, a peer of your own body, Lord Macclesfield. Yet, my lords, when that peer did but just modestly hint that he had received hard measure from the Commons and their managers, those managers thought themselves bound *seriatim* one after another, to express the utmost indignation at the charge, in the harshest language that could be used. Why did they do so? They knew it was the language that became them. They lived in an age in which politeness was as well understood and as much cultivated as it is at present; but they knew what they were doing, and they were resolved to use no language but what their ancestors had used, and to suffer no insolence which their ancestors would not have suffered.

We tread in their steps; we pursue their method; we learn of them; and we shall never learn at any other school.

We know from history and the records of this House, that a Lord Bacon has been before you. Who is there that, upon hearing this name, does not instantly recognise everything of genius the most profound, everything of literature the most extensive, everything of discovery the most penetrating, everything of observation on human life the most distinguishing and refined? All these must be instantly recognised, for they are all inseparably associated with the name of Lord Verulam. Yet when this prodigy was brought before your lordships, by the Commons of Great Britain, for having permitted his menial servant to receive presents, what was his demeanour? Did he require his counsel not "to let down the dignity of his defence"? No. That Lord Bacon, whose least distinction was that he was a peer of England, a Lord High Chancellor, and the son of a Lord Keeper, behaved like a man who knew himself; like a man who was conscious of merits of the highest kind; but at the same time conscious of having fallen into guilt. The House of Commons did not spare him. They brought him to your bar. They found spots in that sun. And what, I again ask, was his behaviour? That of contrition, that of humility, that of repentance, that which belongs to the greatest men lapsed and fallen through human infirmity into error. He did not hurl defiance at the accusations of his country, he bowed himself before it, yet with all his penitence he could not escape the pursuit of the House of Commons, and the inflexible justice of this court. Your lordships fined him £40,000, notwithstanding all his merits; notwithstanding his humility; notwithstanding his contrition; notwithstanding the decorum of his behaviour, so well suited to a man under the prosecution of the Commons of England, before the Peers of England. You fined him in a sum fully equal to £100,000 of the present day. You imprisoned him during the king's pleasure; and you disqualified him for ever from having a seat in this House and any office in this kingdom. This is the way in which the Commons behaved formerly, and in which your lordships acted formerly; when no culprit at this bar dared to hurl a recriminatory accusation against

his prosecutors, or dared to censure the language in which they expressed their indignation at his crimes.

The Commons of Great Britain, following these examples and fortified by them, abhor all compromise with guilt either in act or in language. They will not disclaim any one word that they have spoken; because, my lords, they have said nothing abusive or illiberal. It has been said that we have used such language as was used to Sir Walter Raleigh, when he was called, not by the Commons, but by a certain person of a learned profession, "a spider of hell." My lords, Sir Walter was a great soldier, a great mariner, and one of the first scholars of his age. To call him a spider of hell, was not only indecent in itself, but perfectly foolish, from the term being totally inapplicable to the object, and fit only for the very pedantic eloquence of the person who used it. But if Sir Walter Raleigh had been guilty of numberless frauds and prevarications; if he had clandestinely picked up other men's money, concealed his peculation by false bonds, and afterwards attempted to cover it by the cobwebs of the law, then my Lord Coke would have trespassed a great deal more against decorum than against propriety of similitude and metaphor.

My lords, the managers for the Commons have not used any *inapplicable* language. We have indeed used, and will again use, such expressions as are proper to portray guilt. After describing the magnitude of the crime, we describe the magnitude of the criminal. We have declared him to be not only a public robber himself, but the head of a system of robbery; the captain-general of the gang; the chief under whom a whole predatory band was arrayed, disciplined, and paid. This, my lords, is what we offered to prove fully to you, what in part we have proved, and the whole of which, I believe, we could prove. In developing such a mass of criminality, and in describing a criminal of such magnitude, as we have now brought before you, we could not use lenient epithets without compromising with crime. We therefore shall not relax in our pursuits, nor in our language. No, my lords, no; we shall not fail to feel indignation wherever our moral nature has taught us to feel it, nor shall we hesitate to speak the language which is dictated by that indignation. Whenever men are oppressed where they ought to

be protected, we called it tyranny; and we call the actor a tyrant. Whenever goods are taken by violence from the possessor, we call it a robbery; and the person who takes it we call a robber. Money clandestinely taken from the proprietor we call theft; and the person who takes it we call a thief. When a false paper is made out to obtain money, we call the act a forgery. That steward who takes bribes from his master's tenants, and then, pretending the money to be his own, lends it to that master and takes bonds for it to himself, we consider guilty of a breach of trust; and the person who commits such crimes we call a cheat, a swindler, and a forger of bonds. All these offences, without the least softening, under all these names, we charge upon this man. We have so charged in our record, we have so charged in our speeches; and we are sorry that our language does not furnish terms of sufficient force and compass to mark the multitude, the magnitude, and the atrocity of his crimes.

How came it, then, that the Commons of Great Britain should be calumniated for the course which they have taken? Why should it ever have been supposed that we are actuated by revenge? I answer, there are two very sufficient causes: corruption and ignorance. The first disposes an innumerable multitude of people to a fellow-feeling with the prisoner. Under the shadow of his crimes thousands of fortunes have been made; and therefore thousands of tongues are employed to justify the means by which these fortunes were made. When they cannot deny the facts, they attack the accusers; they attack their conduct, they attack their persons, they attack their language, in every possible manner. I have said, my lords, that ignorance is the other cause of this calumny by which the House of Commons is assailed. Ignorance produces a confusion of ideas concerning the decorum of life, by confounding the rules of private society with those of public function. To talk as we here talk, to persons in a mixed company of men and women, would violate the law of such societies; because they meet for the sole purpose of social intercourse, and not for the exposure, the censure, the punishment of crimes; to all which things private societies are altogether incompetent. In them crimes can never be regularly stated, proved, or refuted. The law has therefore appointed special places for such inquiries; and if in any of

those places we were to apply the emollient language of drawing-rooms to the exposure of great crimes, it would be as false and vicious in taste and in morals, as to use the criminatory language of this hall in drawing and assembling rooms would be misplaced and ridiculous. Every one knows, that in common society palliating names are given to vices. Adultery in a lady is called gallantry: the gentleman is commonly called a man of good fortune, sometimes in French and sometimes in English. But is this the tone which would become a person in a court of justice calling these people to an account for that horrible crime which destroys the basis of society? No, my lords; this is not the tone of such proceedings. Your lordships know that it is not; the Commons know that it is not; and because we have acted on that knowledge, and stigmatized crimes with becoming indignation, we are said to be actuated rather by revenge than justice.

If it should still be asked why we show sufficient acrimony to excite a suspicion of being in any manner influenced by malice or a desire of revenge,—to this, my lords, I answer, because we would be thought to know our duty, and to have all the world know how resolutely we are resolved to perform it. The Commons of Great Britain are not disposed to quarrel with the Divine wisdom and goodness, which has moulded up revenge into the frame and constitution of man. He that has made us what we are has made us at once resentful and reasonable. Instinct tells a man that he ought to revenge an injury; reason tells him that he ought not to be a judge in his own cause. From that moment revenge passes from the private to the public hand; but in being transferred it is far from being extinguished. My lords, it is transferred as a sacred trust to be exercised for the injured, in measure and proportion, by persons who, feeling as he feels, are in a temper to reason better than he can reason. Revenge is taken out of the hands of the original injured proprietor, lest it should be carried beyond the bounds of moderation and justice. But, my lords, it is in its transfer exposed to a danger of an opposite description. The delegate of vengeance may not feel the wrong sufficiently; he may be cold and languid in the performance of his sacred duty. It is for these reasons that good men are taught to tremble even at the first emotions of anger and resentment for their own par-

ticular wrongs; but they are likewise taught, if they are well taught, to give the loosest possible rein to their resentment and indignation, whenever their parents, their friends, their country, or their brethren of the common family of mankind are injured. Those who have not such feelings under such circumstances are base and degenerate. These, my lords, are the sentiments of the Commons of Great Britain.

Lord Bacon has very well said, that "revenge is a kind of wild justice." It is so, and without this wild austere stock there would be no justice in the world. But when by the skilful hand of morality and wise jurisprudence a foreign scion, but of the very same species, is grafted upon it, its harsh quality becomes changed, it submits to culture, and laying aside its savage nature it bears fruits and flowers, sweet to the world, and not ungrateful even to heaven itself, to which it elevates its exalted head. The fruit of this wild stock is revenge regulated, but not extinguished; revenge transferred from the suffering party to the communion and sympathy of mankind. This is the revenge by which we are actuated, and which we should be sorry if the false, idle, girlish, novel-like morality of the world should extinguish in the breast of us who have a great public duty to perform.

This sympathetic revenge, which is condemned by clamorous imbecility, is so far from being a vice that it is the greatest of all possible virtues; a virtue which the uncorrupted judgment of mankind has in all ages exalted to the rank of heroism. To give up all the repose and pleasures of life, to pass sleepless nights and laborious days, and, what is ten times more irksome to an ingenuous mind, to offer oneself to calumny and all its herd of hissing tongues and poisoned fangs, in order to free the world from fraudulent prevaricators, from cruel oppressors, from robbers and tyrants, has, I say, the test of heroic virtue, and well deserves such a distinction. The Commons, despairing to attain the heights of this virtue, never lose sight of it for a moment. For seventeen years they have almost without intermission pursued by every sort of inquiry, by legislative and by judicial remedy, the cure of this Indian malady, worse ten thousand times than the leprosy which our forefathers brought from the East. Could they have done this, if they had not been actuated by some strong, some vehement, some perennial passion, which,

burning like the vestal fire, chaste and eternal, never suffers generous sympathy to grow cold in maintaining the rights of the injured, or in denouncing the crimes of the oppressor?

My lords, the managers for the Commons have been actuated by this passion; my lords, they feel its influence at this moment; and so far from softening either their measures or their tone, they do here in the presence of their Creator, of this House, and of the world, make this solemn declaration, and nuncupate this deliberate vow,—that they will ever glow with the most determined and unextinguishable animosity against tyranny, oppression, and peculation in all, but more particularly as practised by this man in India; that they never will relent, but will pursue and prosecute him and it, till they see corrupt pride prostrate under the feet of justice. We call upon your lordships to join us; and we have no doubt that you will feel the same sympathy that we feel, or (what I cannot persuade my soul to think, or my mouth to utter) you will be identified with the criminal whose crimes you excuse, and rolled with him in all the pollution of Indian guilt from generation to generation. Let those who feel with me upon this occasion join with me in this vow; if they will not, I have it all to myself.

It is not to defend ourselves, that I have addressed your lordships at such length on this subject. No, my lords; I have said what I considered necessary to instruct the public upon the principles which induced the House of Commons to persevere in this business with a generous warmth and in the indignant language which nature prompts, when great crimes are brought before men who feel as they ought to feel upon such occasions.

I now proceed, my lords, to the next recriminatory charge, which is *delay*. I confess I am not astonished at this charge. From the first records of human impatience down to the present time it has been complained that the march of violence and oppression is rapid; but that the progress of remedial and vindictive justice, even the divine, has almost always favoured the appearance of being languid and sluggish. Something of this is owing to the very nature and constitution of human affairs; because as justice is a circumspect, cautious, scrutinizing, balancing principle, full of doubt even of itself, and fearful of doing wrong even to the greatest wrong-doers,

in the nature of things its movements must be slow in comparison with the headlong rapidity with which avarice, ambition, and revenge pounce down upon the devoted prey of those violent and destructive passions. And indeed, my lords, the disproportion between crime and justice, when seen in the particular acts of either, would be so much to the advantage of crimes and criminals that we should find it difficult to defend laws and tribunals (especially in great and arduous cases like this), if we did not look not to the *immediate*, not the *retrospective*, but to the *provident* operation of justice. Its chief operation is in its future example; and this turns the balance, upon the total effect, in favour of vindictive justice, and in some measure reconciles a pious and humble mind to this great mysterious dispensation of the world.

Upon the charge of delay in this particular cause, my lords, I have only to say that the business before you is of immense magnitude. The prisoner himself says that all the acts of his life are committed in it. With a due sense of this magnitude, we know that the investigation could not be short to us, nor short to your lordships; but when we are called upon, as we have been daily, to sympathize with the prisoner in that delay, my lords, we must tell you that we have no sympathy with him. Rejecting as we have done all false, spurious, and hypocritical virtues, we should hold it to be the greatest of all crimes to bestow upon the oppressors that pity which belongs to the oppressed. The unhappy persons who are wronged, robbed, and despoiled, have no remedy but in the sympathies of mankind; and when these sympathies are suffered to be debauched, when they are perversely carried from the victim to the oppressor, then we commit a robbery still greater than that which was committed by the criminal accused.

My lords, we do think this process long, we lament it in every sense in which it ought to be lamented; but we lament still more that the Begums have been so long without having a just punishment inflicted upon their spoiler. We lament that Cheit Sing has so long been a wanderer, while the man who drove him from his dominions is still unpunished. We are sorry that Nobkissen has been cheated of his money for fourteen years, without obtaining redress. These are our

sympathies, my lords, and thus we reply to this part of the charge.

My lords, there are some matters of fact in this charge of delay, which I must beg your lordships will look into. On the 19th of February, 1789, the prisoner presented a petition to your lordships, in which he states, after many other complaints, that a great number of his witnesses were obliged to go to India, by which he has lost the benefit of their testimony; and that a great number of your lordships' body were dead, by which he has lost the benefit of their judgment.

As to the hand of God, though some members of your House may have departed this life since the commencement of this trial, yet the body always remains entire. The evidence before you is the same; and therefore there is no reason to presume that your final judgment will be affected by these afflicting dispensations of Providence. With regard to his witnesses, I must beg to remind your lordships of one extraordinary fact. This prisoner has sent to India, and obtained, not testimonies, but testimonials to his general good behaviour. He has never once applied, by commission or otherwise, to falsify any one fact that is charged upon him. No, my lords, not one; therefore that part of his petition which states the injury he has received from the Commons of Great Britain is totally false and groundless; for if he had any witnesses to examine, he would not have failed to examine them. If he had asked for a commission to receive their depositions, a commission would have been granted; if, without a commission, he had brought affidavits to facts, or regular recorded testimony, the Commons of Great Britain would never have rejected such evidence, even though they could not have cross-examined it.

Another complaint is, that many of his witnesses were obliged to leave England before he could make use of their evidence. My lords, no delay in the trial has prevented him from producing any evidence, for we were willing that any of his witnesses should be examined at any time most convenient to himself. If many persons connected with his measures are gone to India, during the course of his trial, many others have returned to England. Mr. Larkins returned; was the prisoner willing to examine him? No; and

it was nothing but downright shame, and the presumptions which he knew would be drawn against him, if he did not call this witness, which finally induced him to make use of his evidence. We examined Mr. Larkins, my lords; we examined all the prisoner's witnesses; your lordships have their testimony; and down to this very hour he has not put his hand upon any one whom he thought a proper and essential witness to the facts, or to any part of the cause, whose examination has been denied him; nor has he even stated that any man, if brought here, would prove such and such points. No; not one word to this effect has ever been stated by the prisoner.

There is, my lords, another case, which was noticed by my honourable fellow-manager yesterday. Mr. Belli, the confidential secretary of the prisoner, was agent and contractor for stores; and this raised a suspicion that the contracts were held by him for the prisoner's advantage. Mr. Belli was here during the whole time of the trial, and six weeks after we had closed our evidence. We had then no longer the arrangement of the order of witnesses, and he might have called whom he pleased. With the full knowledge of these circumstances, that witness did he suffer to depart for India, if he did not even encourage his departure. This, my lords, is the kind of damage which he has suffered by the want of witnesses, through the protraction of this trial.

But the great and serious evil which he complains of, as being occasioned by our delay, is of so extraordinary a nature, that I must request your lordships to examine it with extraordinary strictness and attention. In the petition before your lordships the prisoner asserts, that he was under the necessity, through his council and solicitors, "of collecting and collating from the voluminous records of the Company the whole history of his public life, in order to form a complete defence to every allegation which the Honourable House of Commons had preferred against him; and that he has expended upwards of thirty thousand pounds in preparing the materials of his defence."

It is evident, my lords, that the expenditure of this £30,000 is not properly connected with the delay of which he complains; for he states that he had incurred this loss merely in collecting and collating materials, previous to his

defence before your lordships. If this were true, and your lordships were to admit the amount as a rule and estimate by which the aggregate of his loss could be ascertained; the application of the rule of three to the sum and time given, would bring out an enormous expenditure in the long period which has elapsed since the commencement of the trial; so enormous, that if this monstrous load of oppression has been laid upon him by the delay of the Commons, I believe no man living can stand up in our justification. But, my lords, I am to tell your lordships some facts, into which, we trust, *you* will inquire; for this business is not in our hands, nor can we lay it as a charge before you. Your own journals have recorded the document in which the prisoner complains bitterly of the House of Commons, and indeed of the whole judicature of the country; a complaint which your lordships will do well to examine.

When we first came to a knowledge of this petition, which was not till some time after it was presented, I happened to have conversation with a noble lord, I know not whether he be in his place in the House or not; but I think I am not irregular in mentioning his name. When I mention Lord Suffolk I name a peer whom honour, justice, veracity, and every virtue that distinguishes the man and the peer would claim for their own. My Lord Suffolk told me, that, in a conversation with the late Lord Dover, who brought the prisoner's petition into your House, he could not refrain from expressing his astonishment at that part of the petition which related to the expense Mr. Hastings had been at; and particularly as a complaint had been made in the House of the enormous expense of the prosecution, which at that time had only amounted to £14,000, although the expense of the prosecutor is generally greater than that of the defendant, and public proceedings more expensive than private ones. Lord Dover said that before he presented the petition he had felt exactly in the same manner; but that Mr. Hastings assured him, that £6000 had been paid to copying clerks in the India House, and that from this circumstance he might judge of the other expenses. Lord Dover was satisfied with this assurance; and presented the petition, which otherwise he should have declined to do, on account of the apparent enormity of the allegation it contained. At the time when Lord

Suffolk informed me of these particulars (with a good deal of surprise and astonishment), I had not leisure to go down to the India House in order to make inquiries concerning them; but I afterwards asked the secretary, Mr. Hudson, to whom *we* had given a handsome reward, what sums he had received from Mr. Hastings, for his services upon this occasion; and the answer was, "Not one shilling!" Not one shilling had Mr. Hudson received from Mr. Hastings. The clerks of the Company informed us, that the court of directors had ordered that every paper which Mr. Hastings wanted should be copied for him gratuitously; and that if any additional clerks were wanting for the effectual execution of his wishes the expense would be defrayed by the directors. Hearing this account, I next inquired what *expedition-money* might have been given to the clerks, for we know something of this kind is usually done. In reply to this question, Mr. Hudson told me, that at various times they had received in little driblets to the amount of £95, or thereabouts. In this way the account stood when I made this inquiry, which was at least half a year after the petition had been presented to your lordships. Thus the whole story of the £6000 was absolutely false. At that time there was not one word of truth in it, whatever be the amount of the sums which he has paid since. Your lordships will now judge whether you have been abused by false allegations or not; allegations which could scarcely admit of being true, and which upon the best inquiry I found absolutely false: and I appeal to the testimony of the noble lord, who is now living, for the truth of the account he received from the worthy and respectable peer whose loss the nation has to bewail.

There are many other circumstances of fraud and falsehood attending this petition (we must call things by their proper names, my lords),—there are, I say, many circumstances of fraud and falsehood. We know it to have been impossible at the time of presenting this petition that this man should have expended £30,000 in the preparation of materials for his defence, and your lordships' justice together with the credit of the House of Commons are concerned in the discovery of the truth. There is, indeed, an ambiguous word in the petition. He asserts, that he is *engaged* for the payment of that sum. We asked the clerks of the India

House whether he had given them any bond, note, security, or promise of payment; they assured us that he had not: they will be ready to make the same assurance to your lordships, when you come to inquire into this matter, which before you give judgment we desire and claim that you will do. All is concealment and mystery on the side of the prisoner; all is open and direct with us. We are desirous that everything which is concealed may be brought to light.

In contradiction then to this charge of oppression and of an attempt to ruin his fortune, your lordships will see, that at the time when he made this charge he had not been in fact, nor was for a long time after, one shilling out of pocket. But some other person had become security to his attorney for him.—What then are we to think of these men of business, of these friends of Mr. Hastings, who, when he is possessed of nothing, are contented to become responsible for £30,000? (Was it £30,000 out of the Bullock Contracts?) —responsible, I say, for this sum, in order to maintain this suit previous to its actual commencement; and who consequently must be so engaged for every article of expense that has followed from that time to this.

Thus much we have thought it necessary to say upon this part of the recriminatory charge of delay. With respect to the delay in general, we are at present under an account to our constituents upon that subject. To them we shall give it. We shall not give any further account of it to your lordships; the means belong to us as well as to you of removing these charges. Your lordships may inquire upon oath, as we have done in our committee, into all the circumstances of these allegations; I hope your lordships will do so, and will give the Commons an opportunity of attending and assisting at this most momentous and important inquiry.

The next recriminatory charge made upon us by the prisoner is, that merely to throw an odium upon him we have brought forward a great deal of irrelevant matter (which could not be proved regularly in the course of examination at your bar); and particularly in the opening speech which I had the honour of making on the subject.

Your lordships know very well, that we stated in our charge that great abuses had prevailed in India: that the

Company had entered into covenants with their servants respecting those abuses: that an act of parliament was made to prevent their recurrence, and that Mr. Hastings still continued in their practice. Now, my lords, having stated this, nothing could be more regular, more proper, and more pertinent, than for us to justify both the covenants required by the Company and the act made to prevent the abuses which existed in India. We therefore went through those abuses; we stated them, and were ready to prove every material word and article in them. Whether they were personally relevant or irrelevant to the prisoner, we cared nothing. We were to make out from the records of the House (which records I can produce whenever I am called upon for them) all these articles of abuse and grievance: and we have stated these abuses as the grounds of the Company's provisional covenants with its servants, and of the act of parliament. We have stated them under two heads, violence and corruption; for these crimes will be found, my lords, in almost every transaction with the native powers; and the prisoner is directly or indirectly involved in every part of them. If it be still objected that these crimes are irrelevant to the charge, we answer, that we did not introduce them as matter of charge. We say they were not irrelevant to the proof of the preamble of our charge, which preamble is perfectly relevant in all its parts. That the matters stated in it are perfectly true, we vouch the House of Commons, we vouch the very persons themselves who were concerned in the transaction. When Arabic authors are quoted, and Oriental tales told about *flashes of lightning* and *three seals*, we quote the very parties themselves giving this account of their own conduct to a committee of the House of Commons.

Your lordships will remember, that a most reverend prelate, who cannot be named without every mark of respect and attention, conveyed a petition to your lordships, from a gentleman concerned in one of those narratives. Upon your lordships' table that petition still lies. For the production of this narrative we are not answerable to this House; your lordships could not make us answerable to him; but we are answerable to our own House, we are answerable to our own honour, we are answerable to all the Commons of Great Britain, for whatever we have asserted in their name. Accord-

ingly, General Burgoyne, then a member of this committee of managers, and myself, went down into the House of Commons; we there restated the whole affair; we desired that an inquiry should be made into it, at the request of the parties concerned. But, my lords, they have never asked for inquiry from that day to this. Whenever he or they who are criminated, not by us, but in this volume of Reports that is in my hand, desire it, the House will give them all possible satisfaction upon the subject.

A similar complaint was made to the House of Commons by the prisoner, that matters irrelevant to the charge were brought up hither. Was it not open to him, and has he had no friends in the House of Commons, to call upon the House during the whole period of this proceeding, to examine into the particulars adduced in justification of the preamble of the charge against him; in justification of the covenants of the Company; in justification of the act of parliament? It was in his power to do it, it is in his power still; and if it be brought before that tribunal to which I and my fellow-managers are alone accountable, we will lay before that tribunal such matters as will sufficiently justify our mode of proceeding, and the resolution of the House of Commons. I will not, therefore, enter into the particulars (because they cannot be entered into by your lordships), any further than to say, that if we had ever been called upon to prove the allegations which we have made, not in the nature of a charge, but as bound in duty to this court and in justice to ourselves, we should have been ready to enter into proof. We offered to do so, and we now repeat the offer.

There was another complaint in the prisoner's petition, which did not apply to the words of the preamble, but to an allegation in the charge concerning abuses in the revenue, and the ill consequences which arose from them. I allude to those shocking transactions, which nobody can mention without horror, in Rampore and Dinagepore, during the government of Mr. Hastings, and which we attempted to bring home to him. What did he do in this case? Did he endeavour to meet these charges fairly, as he might have done? No, my lords; what he said merely amounted to this;—examination into these charges would vindicate my reputation before the world; but "I, who am the guardian of my own honour and

my own interest," choose to avail myself of the rules and orders of this House, and I will not suffer you to enter upon that examination.

My lords, we admit you are the interpreters of your own rules and orders. We likewise admit that our own honour may be affected by the character of the evidence which we produce to you. But, my lords, they who withhold their defence, who suffer themselves, as they say, to be cruelly criminated by unjust accusation, and yet will not permit the evidence of their guilt or innocence to be produced, are themselves the causes of the irrelevancy of all these matters. It cannot justly be charged on us; for we have never offered any matter here which we did not declare our readiness upon the spot to prove. Your lordships did not think fit to receive that proof. We do not now censure your lordships for your determination; that is not the business of this day. We refer to your determination for the purpose of showing the falsehood of the imputation which the prisoner has cast upon us, of having oppressed him by delay and irrelevant matter. We refer to it in order to show that the oppression rests with himself; that it is all his own.

Well, but Mr. Hastings complained also to the House of Commons. Has he pursued the complaint? No, he has not; and yet this prisoner and these gentlemen, his learned counsel, have dared to reiterate their complaints of us at your lordships' bar; while we have always been, and still are, ready to prove both the atrocious nature of the facts and that they are *referrible* to the prisoner at your bar. To this, as I have said before, the prisoner has objected. This we are not permitted to do by your lordships: and therefore, without presuming to blame your determination, I repeat that we throw the blame directly upon himself, when he complains that his private character suffers without the means of defence, since he objects to the use of means of defence which are at his disposal.

Having gone through this part of the prisoner's recriminatory charge, I shall close my observations on his demeanour, and defer my remarks on his complaint of our ingratitude until we come to consider his set-off of services.

The next subject for your lordships' consideration is the principle of the prisoner's defence. And here we must ob-

serve, that either by confession or conviction we are possessed of the facts, and perfectly agreed upon the matter at issue between us. In taking a view of the laws by which you are to judge, I shall beg leave to state to you upon what principles of law the House of Commons has criminated him, and upon what principles of law or pretended law he justifies himself; for these are the matters at issue between us: the matters of fact, as I have just said, being determined either by confession on his part or by proof on ours.

My lords, we acknowledge that Mr. Hastings was invested with discretionary power, but we assert that he was bound to use that power according to the established rules of political morality, humanity, and equity. In all questions relating to foreign powers, he was bound to act under the law of nature and under the law of nations, as it is recognised by the wisest authorities in public jurisprudence. In his relation to this country he was bound to act according to the laws and statutes of Great Britain, either in their letter or in their spirit; and we affirm that in his relation to the people of India he was bound to act according to the largest and most liberal construction of their laws, rights, usages, institutions, and good customs; and we furthermore assert that he was under an express obligation to yield implicit obedience to the court of directors. It is upon these rules and principles the Commons contend that Mr. Hastings ought to have regulated his government; and not only Mr. Hastings, but all other governors. It is upon these rules that he is responsible, and upon these rules, and these rules only, your lordships are to judge.

My lords, long before the committee had resolved upon this impeachment, we had come, as I have told your lordships, to forty-five resolutions, every one criminatory of this man, every one of them bottomed upon the principles which I have stated. We never will, nor can we abandon them; and we therefore do not supplicate your lordships upon this head, but claim and demand of right that you will judge him upon those principles and upon no other. If once they are evaded, you can have no rule for your judgment but your caprices and partialities.

Having thus stated the principles upon which the Commons hold him and all governors responsible, and upon which

we have grounded our impeachment, and which must be the grounds of your judgment (and your lordships will not suffer any other ground to be mentioned to you), we will now tell you what are the grounds of his defence.

He first asserts that he was possessed of an arbitrary and despotic power, restrained by no laws but his own will. He next says, that "the rights of the people he governed in India are nothing, and that the rights of the government are everything." The people, he asserts, have no liberty, no laws, no inheritance, no fixed property, no descendable estate, no subordinations in society, no sense of honour or of shame; and that they are only affected by punishment so far as punishment is a corporal infliction; being totally insensible of any difference between the punishment of man and beast. These are the principles of his Indian government, which Mr. Hastings has avowed in their full extent. Whenever precedents are required, he cites and follows the example of avowed tyrants, of Ali Verdi Khân, Cossim Ali Khân, and Sujah Dowlah. With an avowal of these principles he was pleased first to entertain the House of Commons, the *active* asserters and conservators of the rights, liberties, and laws of his country; and then to insist upon them more largely and in a fuller detail before this awful tribunal, the *passive* judicial conservator of the same great interests. He has brought out these blasphemous doctrines in this great temple of justice, consecrated to law and equity for a long series of ages. He has brought them forth in Westminster Hall, in presence of all the judges of the land, who are to execute the law, and of the House of Lords, who are bound as its guardians not to suffer the words "arbitrary power" to be mentioned before them. For I am not again to tell your lordships that arbitrary power is treason in the law; that to mention it with law is to commit a contradiction in terms. They cannot exist in concert; they cannot hold together for a moment.

Let us now hear what the prisoner says, "The sovereignty which they [the soubahdars, or viceroys of the Mogul empire] assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of parliament, I confess myself too little of a lawyer to pronounce. I only know, that the acceptance of the sovereignty of Benares,

&c., is not acknowledged or admitted by any act of parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seized of that sovereignty. If, therefore, the *sovereignty* of Benares, as ceded to us by the vizier, have *any rights whatever* annexed to it (and be not a mere empty word without meaning), those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of parliament shall positively, or by implication, tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the Company against my consent and opinion (for I acknowledge, that even then I foresaw many difficulties and inconveniences in its future exercise); I fear, I say, that this sovereignty will be found a burden instead of benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made an uniform compact body by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society; and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahomedan conquests. The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of *despotism*. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers but

from its visible effects, and those are everywhere the same from Cabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew, that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and as such exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above-mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindostanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar, entailed upon him the consequences of so mean and depraved a tenure. Ally Verdy Khân and Cossim Ally fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

I beseech your lordships seriously to look upon the whole nature of the principles upon which the prisoner defends himself. He appeals to the custom and usage of the Mogul empire; and the constitution of that empire is, he says, arbitrary power. He says that he does not know whether any act of parliament bound him not to exercise this arbitrary power; and that if any such act should in future be made, it would be mischievous and ruinous to our empire in India. Thus he has at once repealed all prec ıg ; he has annulled by prospect every future act y ; it is

not in the power of the parliament of Great Britain, without ruining the empire, to hinder his exercising this despotic authority. All Asia is by him disfranchised at a stroke. Its inhabitants have no rights, no laws, no liberties; their state is mean and depraved; they may be fined for any purpose of court extravagance or prodigality; or as Cheit Sing was fined by him, not only upon every war, but upon every pretence of war.

This is the account he gives of his power and of the people subject to the British government in India. We deny that the act of parliament gave him any such power; we deny that the India Company gave him any such power, or that they had ever any such power to give. We even deny that there exists in all the human race a power to make the government of any state dependent upon individual will: we disclaim, we reject all such doctrines with disdain and indignation; and we have brought them up to your lordships to be tried at your bar.

What must be the condition of the people of India, governed, as they have been, by persons who maintain these principles as maxims of government, and not as occasional deviations caused by the irregular will of man; principles by which the whole system of society is to be controlled; not by law, reason, or justice, but by the will of one man?

Your lordships will remark, that not only the whole of the laws, rights, and usages, but the very being of the people, are exposed to ruin; for Mr. Hastings says that the people may be fined, that they may be exiled, that they may be imprisoned, and that even their lives are dependent upon the mere will of their foreign master: and that he, the Company's Governor, exercised that will under the authority of this country. Remark, my lords, his application of this doctrine. I would, he says, have kept Cheit Sing from the consequences of this dependence, by making him independent, and not in any manner subjecting him to our government. The moment he came into a state of dependence upon the British government, all these evils attached upon him. It is, he adds, disagreeable to me to exert such powers, but I know they must be exerted, and I declare there is no security from this arbitrary power, but by having nothing to do with the British government.

My lords, the House of Commons has already well considered what may be our future moral and political condition when the persons who come from that school of pride, insolence, corruption, and tyranny, are more intimately mixed up with us of purer morals. Nothing but contamination can be the result, nothing but corruption can exist in this country, unless we expunge this doctrine out of the very hearts and souls of the people. It is not to the gang of plunderers and robbers, of which I say this man is at the head, that we are only, or indeed principally, to look. Every man in Great Britain will be contaminated and must be corrupted, if you let loose among us whole legions of men, generation after generation, tainted with these abominable vices, and avowing these detestable principles. It is therefore to preserve the integrity and honour of the Commons of Great Britain that we have brought this man to your lordships' bar.

When these matters were first explained to your lordships, and strongly enforced by abilities greater than I can exert, there was something like compunction shown by the prisoner: but he took the most strange mode to cover his guilt. Upon the cross-examination of Major Scott he discovered all the engines of this Indian corruption. Mr. Hastings got that witness to swear, that this defence of his, from which the passages I have read to your lordships are extracted, was not his, but that it was the work of his whole council, composed of Mr. Middleton, Mr. Shore, Mr. Halhed, Mr. Baber, the whole body of his Indian cabinet council;—that this was their work and not his; and that he disclaimed it, and therefore that it would be wrong to press it upon him. Good God! my lords, what shall we say in this stage of the business? The prisoner put in an elaborate defence, he now disclaims that defence. He told us that it was of his own writing, that he had been able to compose it in five days, and he now gets five persons to contradict his own assertions, and to disprove on oath his most solemn declarations.

My lords, this business appears still more alarming, when we find not only Mr. Hastings, but his whole council, engaged in it. I pray your lordships to observe, that Mr. Halhed, a person concerned with Mr. Hastings in compiling a code of Gentoo laws, is now found to be one of the persons to whom this very defence is attributed, which contains such

detestable and abominable doctrines. But are we to consider the contents of this paper as the defence of the prisoner, or not? Will any one say, that when an answer is sworn to in Chancery, when an answer is given here to an impeachment of the Commons, or when a plea is made to an indictment, that it is drawn by the defendant's counsel, and therefore is not his? Did we not all hear him read this defence in part at our bar, did we not see him hand it to his secretary to have it read by his son, did he not then hear it read from end to end; did not he himself desire it to be printed (for it was no act of ours), and did he not superintend and revise the press, and has any breath but his own breathed upon it? No, my lords, the whole composition is his by writing or adoption, and never till he found it pressed him in this House, never till your lordships began to entertain the same abhorrence of it that we did, did he disclaim it.

But mark another stage of the propagation of these horrible principles. After having grounded upon them the defence of his conduct against our charge, and after he had got a person to forswear them for him, and to prove him to have told falsehoods of the grossest kind to the House of Commons, he again adheres to this defence. The dog returned to his vomit. After having vomited out his vile, bilious stuff of arbitrary power, and afterwards denied it to be his, he gets his counsel in this place to resort to the loathsome mess again. They have thought proper, my lords, to enter into an extended series of quotations from books of travellers, for the purpose of showing that despotism was the only principle of government acknowledged in India; that the people have no laws, no rights, no property moveable or immoveable, no distinction of ranks, nor any sense of disgrace. After citing a long line of travellers to this effect, they quote Montesquieu as asserting the same facts, declaring that the people of India had no sense of honour, and were only sensible of the whip as far as it produced corporal pain. They then proceed to state, that it was a government of misrule, productive of no happiness to the people, and that it so continued until subverted by the free government of Britain, namely, the government that Mr. Hastings describes as having himself exercised there.

My lords, if the prisoner can succeed in persuading us that

these people have no laws, no rights, not even the common sentiments and feelings of men, he hopes your interest in them will be considerably lessened. He would persuade you that their sufferings are much assuaged by their being nothing new; and that having no right to property, to liberty, to honour, or to life, they must be more pleased with the little that is left to them, than grieved for the much that has been ravished from them, by his cruelty and his avarice. This inference makes it very necessary for me, before I proceed further, to make a few remarks upon this part of the prisoner's conduct, which your lordships must have already felt with astonishment, perhaps with indignation. This man, who passed twenty-five years in India, who was fourteen years at the head of his government, master of all the offices, master of all the registers and records, master of all the lawyers and priests of all this empire, from the highest to the lowest, instead of producing to you the fruits of so many years' local and official knowledge upon that subject, has called out a long line of the rabble of travellers, to inform you concerning the objects of his own government. That his learned counsel should be ignorant of those things is a matter of course. That, if left to himself, the person who has produced all this stuff should, in pursuit of his darling arbitrary power, wander without a guide, or with false guides, is quite natural. But your lordships must have heard with astonishment, that, upon points of law relative to the tenure of lands, instead of producing any law document or authority on the usages and local customs of the country, he has referred to officers in the army, colonels of artillery and engineers, to young gentlemen just come from school, not above three or four years in the country. Good God! would not one rather have expected to hear him put all these travellers to shame by the authority of a man who had resided so long in the supreme situation of government; to set aside all these wild, loose, casual, and silly observations of travellers and theorists? On the contrary, as if he was ignorant of everything, as if he knew nothing of India, as if he had dropt from the clouds, he cites the observations of every stranger who had been hurried in a palanquin through the country, capable or incapable of observation, to prove to you the nature of the government and of the power he had to exercise.

My lords, the Commons of Great Britain are not disposed to resort to the ridiculous relations of travellers, or to the wild systems which ingenious men have thought proper to build on their authority; we will take another mode. We will undertake to prove the direct contrary of his assertions in every point and particular. We undertake to do this, because your lordships know, and because the world knows, that if you go into a country where you suppose man to be in a servile state; where, the despot excepted, there is no one person who can lift up his head above another; where all are a set of vile, miserable slaves, prostrate and confounded in a common servitude, having no descendable lands, no inheritance, nothing that makes man feel proud of himself, or that gives him honour and distinction with others:—this abject degradation will take from you that kind of sympathy which naturally attaches you to men feeling like yourselves, to men who have hereditary dignities to support and lands of inheritance to maintain, as you peers have; you will, I say, no longer have that feeling which you ought to have for the sufferings of a people, whom you suppose to be habituated to their sufferings and familiar with degradation.

This makes it absolutely necessary for me to refute every one of these misrepresentations; and whilst I am endeavouring to establish the rights of these people in order to show in what manner and degree they have been violated, I trust that your lordships will not think that the time is lost; certainly I do not think that my labour will be misspent in endeavouring to bring these matters fully before you.

In determining to treat this subject at length, I am also influenced by a strong sense of the evils that have attended the propagation of these wild, groundless, and pernicious opinions. A young man goes to India before he knows much of his own country; but he cherishes in his breast, as I hope every man will, a just and laudable partiality for the laws, liberties, rights, and institutions of his own nation; we all do this, and God forbid we should not prefer our own to every other country in the world; but if we go to India with an idea of the mean, degraded state of the people that we are to govern, and especially if we go with these impressions at an immature age, we know that, according to the ordinary course of human nature, we shall not treat persons

well whom we have learnt to despise. We know that people whom we suppose to have neither laws nor rights will not be treated by us as a people who have laws and rights. This error, therefore, for our sake, for your sake, for the sake of the Indian public, and for the sake of all those who shall hereafter go in any station to India, I think it necessary to disprove in every point.

I mean to prove the direct contrary of everything that has been said on this subject by the prisoner's counsel, or by himself. I mean to prove that the people of India have laws, rights, and immunities, that they have property moveable and immoveable, descendable as well as occasional: that they have property held for life, and that they have it as well secured to them by the laws of their country as any property is secured in this country: that they feel for honour, not only as much as your lordships can feel, but with a *more* exquisite and poignant sense than any people upon earth; and that when punishments are inflicted, it is not the lash they feel, but the disgrace: in short, I mean to prove that every word which Montesquieu has taken from idle and inconsiderate travellers is absolutely false.

The people of India are divided into three kinds; the original natives of the country, commonly called Gentoos, the descendants of the Persians and Arabians, who are Mahomedans, and the descendants of the Moguls, who originally had a religion of their own, but are now blended with the other inhabitants.

The primeval law of that country is the Gentoo law; and I refer your lordships to Mr. Halhed's translation of that singular code; a work which I have read with all the care that such an extraordinary view of human affairs and human constitutions deserves. I do not know whether Mr. Halhed's compilation is in evidence before your lordships, but I do know that it is good authority on the Gentoo law. Mr. Hastings, who instructed his counsel to assert that the people have "no rights, no law," ought to be well acquainted with this work, because he claimed for a while the glory of the compilation, although Nobkissin, as your lordships remember, was obliged to pay the expense. This book, a compilation of probably the most ancient laws in the world, if we except the Mosaic, has in it the duty of the magistrate, and the duty of

all ranks of subjects most clearly and distinctly ascertained; and I will give up the whole cause, if there is, from one end to the other of this code, any sort of arbitrary power claimed or asserted on the part of the magistrate, or any declaration that the people have no rights of property. No; it asserts the direct contrary.

First, the people are divided into classes and ranks with more accuracy of distinction than is used in this country, or in any other country under heaven. Every class is divided into families, some of whom are more distinguished and more honourable than others; and they all have rights, privileges, and immunities belonging to them. Even in cases of conquest, no confiscation is to take place. A Brahmin's estate comes by descent to him: it is for ever descendable to his heirs, if he has heirs; and if he has none, it belongs to his disciples, and those connected with him in the Brahminical caste. There are other immunities declared to belong to this caste, in direct contradiction to what has been asserted by the prisoner. In no case shall a Brahmin suffer death; in no case shall the property of a Brahmin, male or female, be confiscated for crime, or escheat for want of heirs. The law then goes on to other castes, and gives to each its property, and distinguishes them with great accuracy of discrimination.

Mr. Hastings says, that there is no inheritable property among them. Now, you have only to look at page 27, chapter the second, the title of which is, "*Of the division of inheritable property.*" There, after going through all the nicety of pedigree, it is declared, that "when a father, or grandfather, a great grandfather, or any relations of that nature decease, or lose their caste, or renounce the world, or are desirous to give up their property, their sons, grandsons, great grandsons, and other natural heirs, may divide and assume their glebe lands, orchards, jewels, corals, clothes, furniture, cattle, and birds, and all the estate, real and personal." My lords, this law recognises this kind of property, it regulates it with the nicest accuracy of distinction, it settles the descent of it in every part and circumstance. It nowhere asserts (but the direct contrary is positively asserted) that the magistrate has any power whatever over property. It states that it is the magistrate's duty to protect it; that he is bound to govern by law; that he must have a council of Brahmins to

assist him in every material act that he does; in short, my lords, there is not even a trace of arbitrary power in the whole system.

My lords, I will mention one article to let you see in a very few words that these Gentoos not only have an inheritance, but that the law has established a right of *acquiring* possession in the property of another by prescription. The passage stands thus: "If there be a person who is not a minor (a man ceases to be a minor at fifteen years of age), nor impotent, nor diseased, nor an idiot, nor so lame as not to have power to walk, nor blind, nor one who, on going before a magistrate, is found incapable of distinguishing and attending to his own concerns, and who has not given to another person power to employ and to use his property; if, in the face of any such person, another man has applied to his own use, during the space of twenty years, the glebe land, or houses, or orchards of that person, without let or molestation from him, from the twenty-first year the property becomes invested in the person so applying such things to his own use; and any claim of the first person above mentioned, upon such glebe, houses, or orchards, shall by no means stand good: but if the person before mentioned comes under any of the circumstances hereinbefore described, his claim in that case shall stand good." Here you see, my lords, that possession shall, by prescription, stand good against the claims of all persons who are not disqualified from making their claims.

I might, if necessary, show your lordships that the highest magistrate is subject to the law; that there is a case in which he is fineable; that they have established rules of evidence and of pleading; and, in short, all the rules which have been formed in other countries to prevent this very arbitrary power. Notwithstanding all this, the prisoner at the bar and his counsel have dared to assert in this sacred temple of justice, in the presence of this great assembly of all the bishops, of all the peers, and of all the judges of this land, that the people of India have no laws whatever.

I do not mean to trouble your lordships with more extracts from this book. I recommend it to your lordships' reading; when you will find that, so far from the magistrate having any power either to imprison arbitrarily or to fine arbitrarily, the rules of fines are laid down with ten thousand times

more exactness than with us. If you here find that the magistrate has any power to punish the people with arbitrary punishment, to seize their property, or to disfranchise them of any rights or privileges, I will readily admit that Mr. Hastings has laid down good, sound doctrine upon this subject. There is his own book, a compilation of their laws, which has in it not only good and excellent positive rules, but a system of as enlightened jurisprudence with regard to the body and substance of it, as perhaps any nation ever possessed: a system which must have been composed by men of highly cultivated understandings.

As to the travellers that have been quoted, absurd as they are in the ground of their argument, they are not less absurd in their reasonings. For having first laid it down that there is no property, and that the government is the proprietor of everything, they argue, inferentially, that they have no laws. But if ever there were a people that seem to be protected with care and circumspection from all arbitrary power, both in the executive and judicial department, these are the people that seem to be so protected.

I could show your lordships that they are so sensible of honour, that fines are levied and punishment inflicted according to the rank of the culprit, and that the very authority of the magistrate is dependent on their rank. That the learned counsel should be ignorant of these things is natural enough. They are concerned in the gainful part of their profession. If they know the laws of their own country, which I dare say they do, it is not to be expected that they should know the laws of any other. But, my lords, it is to be expected that the prisoner should know the Gentoo laws: for he not only cheated Nobkissin of his money to get these laws translated, but he took credit for the publication of the work as an act of public spirit, after shifting the payment from himself by fraud and peculation. All this has been proved by the testimonies of Mr. Auriol and Mr. Halhed before your lordships.

We do not bring forward this book as evidence of guilt or innocence, but to show the laws and usages of the country, and to prove the prisoner's knowledge of them.

From the Gentoo we will proceed to the Tartarian government of India, a government established by conquest, and

therefore not likely to be distinguished by any marks of extraordinary mildness towards the conquered. The book before me will prove to your lordships that the head of this government (who is falsely supposed to have a despotic authority) is absolutely elected to his office. Tamerlane was elected; and Ghinges Khân particularly valued himself on improving the laws and institutions of his own country. These laws we only have imperfectly in this book; but we are told in it, and I believe the fact, that he forbad, under pain of death, any prince or other person to presume to cause himself to be proclaimed great Khân or Emperor, without being first duly elected by the princes lawfully assembled in general diet. He then established the privileges and immunities granted to the Tunkawns, that is, to the nobility and gentry of the country, and afterwards published most severe ordinances against governors who failed in doing their duty, but principally against those who commanded in far distant provinces. This prince was in this case, what I hope your lordships will be, a very severe judge of the governors of countries remote from the seat of the government.

My lords, we have in this book sufficient proof that a Tartarian sovereign could not obtain the recognition of ancient laws, or establish new ones, without the consent of his parliament; that he could not ascend the throne without being duly elected; and that when so elected he was bound to preserve the great in all their immunities, and the people in all their rights, liberties, privileges, and properties. We find these great princes restrained by laws, and even making wise and salutary regulations for the countries which they conquered. We find Ghinges Khân establishing one of his sons in a particular office, namely, conservator of those laws; and he has ordered, that they should not only be observed in his time, but by all posterity; and accordingly they are venerated at this time in Asia. If then this very Ghinges Khân, if Tamerlane, did not assume arbitrary power, what are you to think of this man, so bloated with corruption, so bloated with the insolence of unmerited power, declaring that the people of India have no rights, no property, no laws; that he could not be bound even by an English act of parliament; that he was an arbitrary sovereign in India, and could exact what penalties he pleased from the people, at the expense of

liberty, property, and even life itself. Compare this man, this compound of pride and presumption, with Ghinges Khân, whose conquests were more considerable than Alexander's, and yet who made the laws the rule of his conduct; compare him with Tamerlane, whose Institutes I have before me. I wish to save your lordships' time, or I could show you, in the life of this prince, that he, violent as his conquests were, bloody as all conquests are, ferocious as a Mahomedan making his crusades for the propagation of his religion, he yet knew how to govern his unjust acquisitions with equity and moderation. If any man could be entitled to claim arbitrary power, if such a claim could be justified by extent of conquest, by splendid personal qualities, by great learning and eloquence, Tamerlane was the man who could have made and justified the claim. This prince gave up all his time, not employed in conquests, to the conversation of learned men. He gave himself to all studies that might accomplish a great man. Such a man, I say, might, if any may, claim arbitrary power. But the very things that made him great, made him sensible that he was but a man. Even in the midst of all his conquests, his tone was a tone of humility; he spoke of laws as every man must who knows what laws are; and though he was proud, ferocious, and violent, in the achievement of his conquests, I will venture to say no prince ever established institutes of civil government more honourable to himself than the Institutes of Timour. I shall be content to be brought to shame before your lordships, if the prisoner at your bar can show me one passage where the assumption of arbitrary power is even hinted at by this great conqueror. He declares, that the nobility of every country shall be considered as his brethren; that the people shall be acknowledged as his children; and that the learned and the dervises shall be particularly protected. But, my lords, what he particularly valued himself upon I shall give your lordships in his own words: "I delivered the oppressed from the hand of the oppressor; and after proof of the oppression, whether on the property or the person, the decision which I passed between them was agreeable to the sacred law; and I did not cause any one person to suffer for the guilt of another."[1]

[1] Institutes of Timour, page 165.

My lords, I have only further to inform your lordships that these Institutes of Timour ought to be very well known to Mr. Hastings. He ought to have known that this prince never claimed arbitrary power, that the principles he adopted were to govern by law, to repress the oppressions of his inferior governors, to recognise in the nobility the respect due to their rank, and in the people the protection to which they were by law entitled. This book was published by Major Davy, and revised by Mr. White. The Major was an excellent Orientalist, he was secretary to Mr. Hastings, to whom, I believe, he dedicated this book. I have inquired of persons the most conversant with the Arabic and Oriental languages, and they are clearly of opinion that there is internal evidence to prove it of the age of Tamerlane; and he must be the most miserable of critics who, reading this work with attention, does not see that, if it was not written by this very great monarch himself, it was at least written by some person in his court, and under his immediate inspection. Whether, therefore, this work be the composition of Tamerlane, or whether it was written by some persons of learning near him, through whom he meant to give the world a just idea of his manners, maxims, and government, it is certainly as good authority as Mr. Hastings's *Defence*, which he has acknowledged to have been written by other people.

From the Tartarian I shall now proceed to the later Mahomedan conquerors of Hindostan, for it is fit that I should show your lordships the wickedness of pretending that the people of India have no laws or rights. A great proportion of the people are Mahomedans; and Mahomedans are so far from having no laws or rights, that when you name a Mahomedan, you name a man governed by law, and entitled to protection. Mr. Hastings caused to be published, and I am obliged to him for it, a book called the Hedaia; it is true that he has himself taken credit for the work, and robbed Nobkissin of the money to pay for it; but the value of a book is not lessened because a man stole it. Will you believe, my lords, that a people having no laws, no rights, no property, no honour, would be at the trouble of having so many writers on jurisprudence? and yet there are, I am sure, at least a thousand eminent Mahomedan writers upon law, who have written far more voluminous works than are

known in the common law of England; and I verily believe more voluminous than the writings of the Civilians themselves. That this should be done by a people who have no property, is so perfectly ridiculous as scarcely to require refutation; but I shall endeavour to refute it, and without troubling you a great deal.

First, then, I am to tell you that the Mahomedans are a people amongst whom the science of jurisprudence is much studied and cultivated, that they distinguish it into the law of the Khoran and its authorized commentaries; into the Fetfa, which is the judicial judgments and reports of adjudged cases; into the Canon, which is the regulations made by the emperor for the sovereign authority in the government of their dominions; and lastly, into the Rage ul Mulk, or custom and usage, the common law of the country, which prevails independent of any of the former.

In regard to punishments being arbitrary, I will, with your lordships' permission, read a passage which will show you that the magistrate is a responsible person. "If a supreme ruler, such as the caliph for the time being, commit any offence punishable by law, such as whoredom, theft, or drunkenness, he is not subject to any punishment (but yet if he commit murder he is subject to the law of retaliation, and he is also accountable in matters of property), because *punishment* is a right of God, the infliction of which is committed to the caliph (or other supreme magistrate), and to none else; and he cannot inflict punishment upon himself, as in this there is no advantage, because the good proposed in punishment is that it may operate as a warning to deter mankind from sin, and this is not obtained by a person's inflicting punishment upon himself contrary to the rights of the *individual*, such as the laws of *retaliation* and of *property*, the penalties of which may be exacted of the caliph, as the claimant of right may obtain satisfaction, either by the caliph empowering him to exact his right from himself, or by the claimant appealing for assistance to the collective body of Mussulmans."[1]

Here your lordships see that the caliph, who is a magistrate of the highest authority which can exist among the Mahomedans, where property or life is concerned, has no arbitrary power, but is responsible just as much as any other man.

[1] Hedaia, vol. ii. p. 34.

I am now to inform your lordships that the sovereign can raise no taxes. The imposing of a tribute upon a Mussulman, without his previous consent, is impracticable: and so far from all property belonging to the sovereign, the public treasure does not belong to him. It is declared to be the common property of all Mahomedans. This doctrine is laid down in many places, but particularly in the 95th page of the second volume of Hamilton's Hedaia.

Mr. Hastings has told you what a sovereign is, and what sovereignty is all over India; and I wish your lordships to pay particular attention to this part of his defence, and to compare Mr. Hastings's idea of sovereignty with the declaration of the Mahomedan law. The tenth chapter of these laws treats of rebellion, which is defined an act of warfare against the sovereign. You are there told who the sovereign is, and how many kinds of rebels there are. The author then proceeds to say, "The word *bâghee* (rebellion), in its literal sense, means prevarication, also injustice and tyranny; in the language of the law it is particularly applied to injustice, namely, withdrawing from obedience to the rightful *Imâm* (as appears in the *Fattahal-Kadeen*). By the rightful *Imâm* is understood a person in whom all the qualities essential to magistracy are united, such as Islamism, freedom, sanity of intellect, and maturity of age,—and who has been elected into his office by any tribe of *Mussulmans*, with their general consent:—whose view and intention is the advancement of the true religion and the strengthening of the Mussulmans, and under whom the Mussulmans enjoy security in person and property; one who levies tithe and tribute according to law; who out of the public treasury pays what is due to learned men, preachers, Kâzees, Mooftis, philosophers, public teachers, and so forth; and who is just in all his dealings with Mussulmans: for whoever does not answer this description is not the right *Imâm*, whence it is not incumbent to support such a one; but rather it is incumbent to oppose him and make war upon him, until such time as he either adopt a proper mode of conduct or be slain."[1]

My lords, is this a magistrate of the same description as the sovereign delineated by Mr. Hastings? This man must be elected by the general consent of Mussulmans, he must be a protector of the person and property of his subjects, a right

[1] Hedaia, vol ii. pp. 247 and 248.

of resistance is directly established by law against him, and even the duty of resistance is insisted upon. Am I, in praising this Mahomedan law, applauding the principle of elective sovereignty? No, my lords; I know the mischiefs which have attended it: I know that it has shaken the thrones of most of the sovereigns of the Mussulman religion; but I produce the law as the clearest proof that such a sovereign cannot be supposed to have an arbitrary power over the property and persons of those who elect him, and who have an acknowledged right to resist and dethrone him if he does not afford them protection.

I have now gone through what I undertook to prove, that Mr. Hastings, with all his Indian council, who have made up this volume of arbitrary power, are not supported by the laws of the Moguls, by the laws of the Gentoos, by the Mahomedan laws, or by any law, custom, or usage which has ever been recognised as legal and valid.

But, my lords, the prisoner defends himself by example; and, good God! what are the examples which he has chosen? Not the local usages and constitutions of Oude, or of any other province; not the general practice of a respectable emperor, like Akbar, which, if it would not fatigue your lordships, I could show to be the very reverse of this man's. No, my lords, the prisoner, his learned counsel here, and his unlearned cabinet council, who wrote this defence, have ransacked the tales of travellers for examples, and have selected materials from that mass of loose remarks and crude conceptions, to prove that the natives of India have neither rights, laws, orders, nor distinction.

I shall now proceed to show your lordships that the people of India have a keen sense and feeling of disgrace and dishonour. In proof of this I appeal to well-known facts. There have been women tried in India for offences, and acquitted, who would not survive the disgrace even of acquittal. There have been Hindoo soldiers condemned at a court-martial who have desired to be blown from the mouth of a cannon, and have claimed rank and precedence at the last moment of their existence; and yet these people are said to have no sense of dishonour! Good God! that we should be under the necessity of proving in this place all these things, and of disproving that all India was given in slavery to this man!

But, my lords, they will show you, they say, that Ghinges

Khân, Khouli Khân, and Tamerlane destroyed ten thousand times more people in battle than this man did. Good God! have they run mad? Have they lost their senses in their guilt? Did they ever expect that we meant to compare this man to Tamerlane, Ghinges Khân, or Khouli Khân? To compare a clerk at a bureau,—to compare a fraudulent bullock contractor (for we could show that his first elementary malversations were in carrying on fraudulent bullock contracts, which contracts were taken from him with shame and disgrace, and restored with greater shame and disgrace), to compare him with the conquerors of the world! We never said he was a tiger and a lion; no, we have said he was a weasel and a rat.

We have said that he has desolated countries by the same means that plagues of his description have produced similar desolations. We have said that he, a fraudulent bullock contractor, exalted to great and unmerited powers, can do more mischief than even all the tigers and lions in the world. We know that a swarm of locusts, although individually despicable, can render a country more desolate than Ghinges Khân or Tamerlane. When God Almighty chose to humble the pride and presumption of Pharaoh, and to bring him to shame, he did not effect his purpose with tigers and lions; but he sent lice, mice, frogs, and everything loathsome and contemptible, to pollute and destroy the country. Think of this, my lords; and of your listening here to these people's long account of Tamerlane's camp of two hundred thousand persons, and of his building a pyramid at Bagdad with the heads of ninety thousand of his prisoners!

We have not accused Mr. Hastings of being a great general and abusing his military powers; we know that he was nothing at the best but a creature of the bureau, raised by peculiar circumstances to the possession of a power by which incredible mischief might be done. We have not accused him of the vices of conquerors: when we see him signalized by any conquests we may then make such an accusation; at present we say that he has been trusted with power much beyond his deserts, and that trust he has grossly abused.—But to proceed—

His counsel, according to their usual audacious manner (I suppose they imagine that they are counsel for Tamerlane or for Ghinges Khân), have thought proper to accuse the

managers for the Commons of wandering in all the fabulous regions of Indian mythology. My lords, the managers are sensible of the dignity of their place; they have never offered anything to you without reason. We are not persons of an age—of a disposition—of a character, representative or natural, to *wanton* as these counsel call it; that is, to invent fables concerning Indian antiquity. That they are not ashamed of making this charge, I do not wonder. But we are not to be thus diverted from our course.

I have already stated to your lordships a material circumstance of this case, which I hope will never be lost sight of; namely, the different situation in which India stood under the government of its native princes and its own original laws, and even under the *dominion* of Mahomedan conquerors, from that in which it has stood under the government of a series of tyrants, foreign and domestic, particularly of Mr. Hastings, by whom it has latterly been oppressed and desolated. One of the books which I have quoted was written by Mr. Halhed; and I shall not be accused of wantoning in fabulous antiquity, when I refer to another living author who wrote from what he saw and what he well knew. This author says, "In truth it would be almost cruelty to molest these happy people" (speaking of the inhabitants of one of the provinces near Calcutta), "for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindoostan government: here the property as well as the liberty of the people is inviolate." My lords, I do not refer you to this writer because I think it necessary to our justification; nor from any fear that your lordships will not do us the justice to believe that we have good authority for the facts which we state, and do not (as persons with their licentious tongues dare to say) wanton in fabulous antiquity. I quote the works of this author, because his observations and opinions could not be unknown to Mr. Hastings, whose associate he was in some acts, and whose adviser he appears to have been in that dreadful transaction, the deposition of Cossim Ali Khân. This writer was connected with the prisoner at your bar in bribery, and has charged him with detaining his bribe. To this Mr. Hastings has answered, that he had paid him long ago. How they have settled that corrupt transaction I know not. I merely state all this to prove that we have not dealt in fabulous

history, and that if anybody has dealt in falsehood, it is Mr. Hastings's companion and associate in guilt, who must have known the country, and who, however faulty he was in other respects, had in this case no interest whatever in misrepresentation.

I might refer your lordships, if it were necessary, to Scrafton's account of that ancient government, in order to prove to you the happy comparative state of that country, even under its former usurpers. Our design, my lords, in making such references, is not merely to disprove the prisoner's defence, but to vindicate the rights and privileges of the people of India. We wish to reinstate them in your sympathy. We wish you to respect a people as respectable as yourselves;—a people who know as well as you what is rank, what is law, what is property;—a people who know how to feel disgrace, who know what equity, what reason, what proportion in punishments, what security of property is, just as well as any of your lordships; for these are things which are secured to them by laws, by religion, by declarations of all their sovereigns. And what, my lords, is opposed to all this? The practice of tyrants and usurpers, which Mr. Hastings takes for his rule and guidance. He endeavours to find deviations from legal government, and then instructs his counsel to say, that I have asserted there is no such thing as arbitrary power in the East. Good God! if there was no such thing in any other part of the world, Mr. Hastings's conduct might have convinced me of the existence of arbitrary power, and have taught me much of its mischief.

But, my lords, we all know that there has been arbitrary power in India; that tyrants have usurped it; and that, in some instances, princes otherwise meritorious have violated the liberties of the people, and have been lawfully deposed for such violation. I do not deny that there are robberies on Hounslow Heath; that there are such things as forgeries, burglaries, and murders; but I say that these acts are against law, and that whoever commit them commit illegal acts. When a man is to defend himself against a charge of crime, it is not instances of similar violation of law that is to be the standard of his defence. A man may as well say, I robbed upon Hounslow Heath, but hundreds robbed there before me: to which I answer, the law has forbidden you to rob

there; and I will hang you for having violated the law, notwithstanding the long list of similar violations which you have produced as precedents. No doubt princes have violated the law of this country; they have suffered for it. Nobles have violated the law; their privileges have not protected them from punishment. Common people have violated the law; they have been hanged for it. I know no human being exempt from the law. The law is the security of the people of England, it is the security of the people of India, it is the security of every person that is governed, and of every person that governs. There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity:—the law of nature and of nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary, and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountain of Justice, destroys the foundations of all law, and thereby removes the only safeguard against evil men, whether governors or governed:—the guard which prevents governors from becoming tyrants, and the governed from becoming rebels.

I hope your lordships will not think that I have unnecessarily occupied your time in disproving the plea of arbitrary power, which has been brought forward at our bar, has been repeated at your lordships' bar, and has been put upon the records of both Houses. I hope your lordships will not think that such monstrous doctrine should be passed over, without all possible pains being taken to demonstrate its falsehood and to reprobate its tendency. I have not spared myself in exposing the principles avowed by the prisoner. At another time I will endeavour to show you the manner in which he acted upon these principles. I cannot command strength to proceed further at present; and you, my lords, cannot give me greater bodily strength than I have.

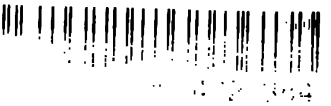
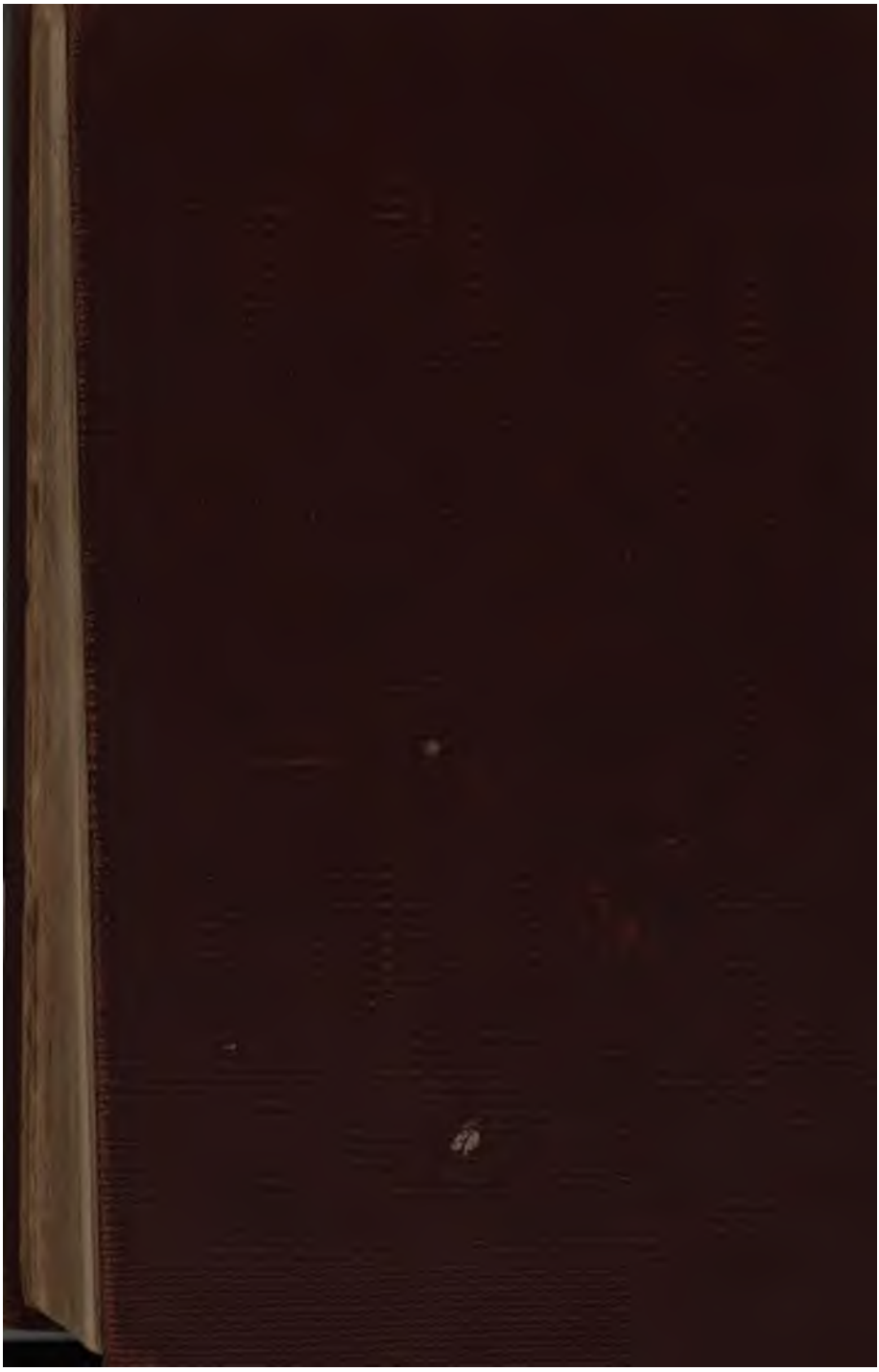
[Adjourned.

END OF VOL. VII.

JOHN CHILDS AND SON, PRINTERS.

THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.

WIDENER
BOOK DUE
OCT 2 0 1984
13128411

WIDENER
APR 2 8 1993
BOOK DUE

WIDENER
SEP 1 1 1995
NOV 5 1995
BOOK DUE